
**Agriculture & Ecology
Committee**

HB 2705

Brief Description: Allowing cost recovery in cases involving disputed department of ecology studies.

Sponsors: Representatives Hatfield, Mulliken, Doumit, Mielke and Buck.

Brief Summary of Bill

- Authorizes local governments to discuss and dispute the findings of studies conducted by the Department of Ecology.
- Authorizes local governments to hire a consultant to review Department of Ecology studies and bring an action in court to have the study disregarded and to recover the cost of the consultant.

Hearing Date: 2/5/02

Staff: Jason Callahan (786-7117).

Background:

The director of the Department of Ecology has the statutory authority to undertake any study dealing with all aspects of environmental problems involving land, water, or air. Such studies must be limited to the investigation of particular problems and may not be implemented by positive action.

Summary of Bill:

The Legislature finds that a Department of Ecology (department) study of the total maximum daily load for the Willapa River in Pacific County was not supported by the findings of an independent consultant hired by local governments in the area.

Local governments that are affected by department studies are allowed to discuss and dispute the study's findings. If the department is unresponsive to their concerns, the affected parties

are allowed to hire a consultant to review the study. If the consultant finds that the study was flawed or was conducted in an unprofessional manner, the affected local governments may bring a court action to have the study disregarded. If the local government prevails, it may be awarded the court costs and the consultant's fees.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.