

ESHB 2116 - S AMD TO EWE COMM AMD (S-2568.3/09) 328
By Senator Honeyford

ADOPTED 04/14/2009

1 On page 2, line 29 of the amendment, after "act;" strike "and" and
2 insert "~~(and)~~"

3 On page 2, line 33 of the amendment, after "act" insert "; and
4 (d) For the planning, design, and construction of publicly owned
5 wastewater treatment facilities, including publicly owned industrial
6 wastewater treatment facilities that relieve a city of the burden of
7 processing industrial wastewater"

8 On page 8, after line 15 of the amendment, insert the following:

9 "Sec. 7. RCW 70.146.070 and 2008 c 299 s 26 are each amended to
10 read as follows:

11 (1) When making grants or loans for water pollution control
12 facilities, the department shall consider the following:

13 (a) The protection of water quality and public health;

14 (b) The cost to residential ratepayers if they had to finance water
15 pollution control facilities without state assistance;

16 (c) Actions required under federal and state permits and compliance
17 orders;

18 (d) The level of local fiscal effort by residential ratepayers
19 since 1972 in financing water pollution control facilities;

20 (e) Except as otherwise conditioned by RCW 70.146.110, whether the
21 entity receiving assistance is a Puget Sound partner, as defined in RCW
22 90.71.010;

23 (f) Whether the project is referenced in the action agenda
24 developed by the Puget Sound partnership under RCW 90.71.310;

25 (g) Except as otherwise provided in RCW 70.146.120, and effective
26 one calendar year following the development and statewide availability
27 of model evergreen community management plans and ordinances under RCW

1 35.105.050, whether the project is sponsored by an entity that has been
2 recognized, and what gradation of recognition was received, in the
3 evergreen community recognition program created in RCW 35.105.030;

4 (h) The extent to which the applicant county or city, or if the
5 applicant is another public body, the extent to which the county or
6 city in which the applicant public body is located, has established
7 programs to mitigate nonpoint pollution of the surface or subterranean
8 water sought to be protected by the water pollution control facility
9 named in the application for state assistance; and

10 (i) The recommendations of the Puget Sound partnership, created in
11 RCW 90.71.210, and any other board, council, commission, or group
12 established by the legislature or a state agency to study water
13 pollution control issues in the state.

14 (2) Except where necessary to address a public health need or
15 substantial environmental degradation, a county, city, or town planning
16 under RCW 36.70A.040 may not receive a grant or loan for water
17 pollution control facilities unless it has adopted a comprehensive
18 plan, including a capital facilities plan element, and development
19 regulations as required by RCW 36.70A.040. This subsection does not
20 require any county, city, or town planning under RCW 36.70A.040 to
21 adopt a comprehensive plan or development regulations before requesting
22 or receiving a grant or loan under this chapter if such request is made
23 before the expiration of the time periods specified in RCW 36.70A.040.
24 A county, city, or town planning under RCW 36.70A.040 which has not
25 adopted a comprehensive plan and development regulations within the
26 time periods specified in RCW 36.70A.040 is not prohibited from
27 receiving a grant or loan under this chapter if the comprehensive plan
28 and development regulations are adopted as required by RCW 36.70A.040
29 before submitting a request for a grant or loan.

30 (3) Whenever the department is considering awarding grants or loans
31 for public facilities to special districts requesting funding for a
32 proposed facility located in a county, city, or town planning under RCW
33 36.70A.040, it shall consider whether the county, city, or town
34 planning under RCW 36.70A.040 in whose planning jurisdiction the
35 proposed facility is located has adopted a comprehensive plan and
36 development regulations as required by RCW 36.70A.040.

37 (4) When making grants or loans for water pollution control

1 facilities, the department may award grants or provide loans to
2 publicly owned industrial wastewater treatment facilities that relieve
3 a city of the burden of processing industrial wastewater.

4 (5) After January 1, 2010, any project designed to address the
5 effects of water pollution on Puget Sound may be funded under this
6 chapter only if the project is not in conflict with the action agenda
7 developed by the Puget Sound partnership under RCW 90.71.310.

8 **Sec. 8.** RCW 90.48.290 and 1987 c 109 s 145 are each amended to
9 read as follows:

10 The department is authorized to make and administer grants within
11 appropriations authorized by the legislature to any municipal or public
12 corporation, or political subdivision within the state for the purpose
13 of aiding in the construction of water pollution control projects
14 necessary to prevent the discharge of untreated or inadequately treated
15 sewage or other waste into the waters of the state including, but not
16 limited to, projects for the control of storm or surface waters which
17 will provide for the removal of waste or polluting materials therefrom.

18 Grants so made by the department shall be subject to the following
19 limitations:

20 (1) No grant shall be made in an amount which exceeds the
21 recipient's contribution to the estimated cost of the project:
22 PROVIDED, That the following shall be considered a part of the
23 recipient's contribution:

24 (a) Any grant received by the recipient from the federal government
25 pursuant to section 8(f) of the Federal Water Pollution Control Act (33
26 U.S.C. 466) for the project;

27 (b) Any expenditure which is made by any municipal or public
28 corporation, or political subdivision within the state as a part of a
29 joint effort with the recipient to carry out the project and which has
30 not been used as a matching contribution for another grant made
31 pursuant to this chapter, and

32 (c) Any expenditure for the project made by the recipient out of
33 moneys advanced by the department from a revolving fund and repayable
34 to said fund.

35 (2) No grant shall be made for any project which does not qualify
36 for and receive a grant of federal funds under the provisions of the
37 Federal Water Pollution Control Act as now or hereafter amended:

1 PROVIDED, That this restriction shall not apply to state grants made in
2 any biennium over and above the amount of such grants required to match
3 all federal funds allocated to the state for such biennium. As such,
4 grants may be made for the planning, design, and construction of any
5 publicly owned wastewater treatment facilities, including publicly
6 owned industrial wastewater treatment facilities that relieve a city of
7 the burden of processing industrial wastewater.

8 (3) No grant shall be made to any municipal or public corporation,
9 or political subdivision for any project located within a drainage
10 basin unless the department shall have previously adopted a
11 comprehensive water pollution control and abatement plan and unless the
12 project is found by the department to conform with such basin
13 comprehensive plan: PROVIDED, That the requirement for a project to
14 conform to a comprehensive water pollution control and abatement plan
15 may be waived by the department for any grant application filed with
16 the department prior to July 1, 1974, in those situations where the
17 department finds the public interest would be served better by approval
18 of any grant application made prior to adoption of such plan than by
19 its denial.

20 (4) Recipients of grants shall meet such qualifications and follow
21 such procedures in applying for grants as shall be established by the
22 department.

23 (5) Grants may be made to reimburse recipients for expenditures
24 made after July 1, 1967, for projects which meet the requirements of
25 this section and were commenced after the recipient had filed a grant
26 application with the department."

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

29 On page 8, line 16 of the amendment, after "**Sec. 7.**" strike "The"
30 and insert "Except for RCW 90.50A.030(2)(d), 70.146.070, and 90.48.290,
31 the"

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1 On page 8, line 24 of the title amendment, after "90.50A.060,"
2 strike "and 90.48.110" and insert "90.48.110, 70.146.070, and
3 90.48.290"

EFFECT: Provides that the department of ecology may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater under the centennial clean water grant program, the federal clean water act section 319 nonpoint-source grant program, and the water pollution control revolving fund loan program.

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