
SENATE BILL 6279

State of Washington

62nd Legislature

2012 Regular Session

By Senator Nelson

Read first time 01/16/12. Referred to Committee on Environment.

1 AN ACT Relating to improving water quality to support shellfish
2 resources; amending RCW 43.21A.130; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that shellfish are
5 critical to the health of Washington's marine waters and the state's
6 economy. Shellfish aquaculture and commercial and tribal harvest of
7 wild shellfish resources are water-dependent uses that rely on
8 excellent water quality. Therefore, it is the purpose of this act to
9 require a report on the progress of implementing elements of the
10 governor's shellfish initiative as they relate to improving water
11 quality and to authorize the department of ecology to analyze and
12 implement, where appropriate, pollutant credit and trading mechanisms
13 as an element of water clean-up plans for impaired water bodies
14 supporting shellfish resources.

15 **Sec. 2.** RCW 43.21A.130 and 2002 c 364 s 1 are each amended to read
16 as follows:

17 (1) In addition to any other powers granted the director, the
18 director may undertake studies dealing with all aspects of

1 environmental problems involving land, water, or air((+)). However, in
2 the absence of specific legislative authority, such studies shall be
3 limited to investigations of particular problems, and shall not be
4 implemented by positive action.

5 (2)(a) Any studies conducted by the department to establish the
6 total maximum daily load of a water body under chapter 90.48 RCW must
7 involve meaningful participation and opportunities to comment by the
8 local watershed planning group established in chapter 90.82 RCW, the
9 local governments whose jurisdictions are within the affected
10 watershed, and any affected or concerned citizen who notifies the
11 department of his or her interest in participating. Technical or
12 procedural disputes or disagreements that arise during the
13 participation and comment process may be presented to the director for
14 review. The director shall conduct a review of the disputed items and
15 issue written findings and conclusions to all interested participants.

16 (b) If a study conducted on the total maximum daily load of a water
17 body may affect a new or renewed national pollution discharge
18 elimination permit under chapter 90.48 RCW, the department must
19 disclose prior to the finalization of the study the precision and
20 accuracy of data collected, computer models developed, and assumptions
21 used.

22 (3) The department shall cooperate with other federal, state, and
23 academic entities conducting research upon and evaluating the potential
24 for mitigating water pollution in impaired water bodies through natural
25 treatment methods. If determined appropriate and feasible, the
26 department may implement pollutant credit and trading mechanisms as an
27 element of a water body clean-up plan, including but not limited to
28 implementing a nitrogen credit system using shellfish for pollution
29 reduction.

30 NEW SECTION. Sec. 3. (1) Consistent with RCW 43.01.036, the
31 department of ecology must submit a report to the appropriate standing
32 committees of the senate and house of representatives by December 1,
33 2012, that includes:

34 (a) A progress report on the review by the Washington sea grant of
35 the scientific basis for management decisions to balance competing land
36 use interests, environmental protection, and coastal development needs;

1 (b) A progress report on the pilot projects and the model
2 permitting program established as part of the Washington shellfish
3 initiative and whether the permitting program is providing the
4 necessary habitat protection, including whether conflicts with
5 adjoining shoreline owners and other marine water users are being
6 minimized;

7 (c) A progress report on the work by local governments to create
8 sustainable pollution identification and correction programs, including
9 the efforts of local health departments to remedy on-site sewage system
10 problems;

11 (d) An update on the pollution action team and its efforts to
12 improve water quality protections; and

13 (e) The evaluation to date by the department of ecology of the
14 potential for implementing pollutant trading and credit mechanisms
15 pursuant to RCW 43.21A.130(3).

16 (2) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Pollution action team" means a team formed with staff from the
19 United States environmental protection agency, the department of
20 ecology, the department of health, and the department of agriculture
21 designed to respond quickly when water quality problems are identified
22 that threaten shellfish areas, initially focusing on Drayton Harbor and
23 Portage Bay.

24 (b) "Washington shellfish initiative" means the agreement among
25 federal and state governments, tribes, and the shellfish industry to
26 restore and expand Washington's shellfish resources to promote clean
27 water industries and create family wage jobs.

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