
HOUSE BILL 2470

State of Washington

54th Legislature

1996 Regular Session

By Representatives Reams, Casada, Dyer, Johnson, Ballasiotes, Mitchell, Regala, R. Fisher, Conway, Patterson, Cooke, Carrell, Rust, Murray, Chappell, Radcliff, Scheuerman, Hymes, Quall, Campbell, Valle, Costa, Ogden, Chopp, Poulsen, Dickerson, L. Thomas, Tokuda, Romero, Wolfe, Kessler, Voloria and Linville

Read first time 01/11/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to reestablishment of the Puget Sound water quality
2 authority; amending RCW 90.70.001, 90.70.011, 90.70.055, 90.70.060,
3 90.70.065, 90.70.902, 43.131.369, and 43.131.370; repealing RCW
4 90.70.027, 90.70.035, 90.70.045, 90.70.075, 90.70.080, 90.70.090, and
5 90.70.100; and providing an effective date.

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

7 **Sec. 1.** RCW 90.70.001 and 1985 c 451 s 1 are each amended to read
8 as follows:

9 The legislature finds that Puget Sound and related inland marine
10 waterways of Washington state represent a unique and unparalleled
11 resource. A rich and varied range of marine organisms, composing an
12 interdependent, sensitive communal ecosystem reside in these sheltered
13 waters. Residents of this region enjoy a way of life centered around
14 the waters of Puget Sound, featuring accessible recreational
15 opportunities, world-class port facilities and water transportation
16 systems, harvest of marine food resources, shoreline-oriented life
17 styles, water-dependent industries, tourism, irreplaceable aesthetics
18 and other activities, all of which to some degree depend upon a clean
19 and healthy marine resource.

1 (~~The legislature further finds that the consequences of careless~~
2 ~~husbanding of this resource have been dramatically illustrated in~~
3 ~~inland waterways associated with older and more extensively developed~~
4 ~~areas of the nation. Recent reports concerning degradation of water~~
5 ~~quality within this region's urban embayments raise alarming~~
6 ~~possibilities of similar despoliation of Puget Sound and other state~~
7 ~~waterways. These examples emphasize that the costs of restoration of~~
8 ~~aquatic resources, where such restoration is possible, greatly exceed~~
9 ~~the costs of responsible preservation.))~~)

10 The legislature declares that utilization of the Puget Sound
11 resource carries a custodial obligation for preserving it. The people
12 of the state have the unique opportunity to preserve this gift of
13 nature, an understanding of the results of inattentive stewardship, the
14 technical knowledge needed for control of degradation of Puget Sound,
15 and the obligation to undertake such control.

16 The legislature further finds that the large number of governmental
17 entities that now affect the (~~(water quality))~~ health of Puget Sound
18 have diverse interests and limited jurisdictions which cannot
19 adequately address the cumulative, wide-ranging impacts which
20 contribute to the degradation of Puget Sound. In accordance with the
21 purpose of chapter 403, Laws of 1995, the regulatory reform act of
22 1995, governments at all levels should better coordinate their efforts
23 to avoid confusing and frustrating the public with overlapping or
24 contradictory requirements. Greater water quality protection in Puget
25 Sound can be achieved by establishing a cooperative partnership between
26 public and private entities and state agencies that emphasizes
27 technical assistance, education, incentives, and dispute resolution.
28 It is therefore the policy of the state of Washington to create a
29 single entity with adequate resources to develop and maintain a
30 comprehensive plan for water quality protection in Puget Sound (~~(to be~~
31 ~~implemented by existing state and local government agencies)) and to~~
32 assist state and local governments, citizens, and the private sector in
33 implementing that plan.

34 **Sec. 2.** RCW 90.70.011 and 1990 c 115 s 2 are each amended to read
35 as follows:

36 (1) There is established the Puget Sound water quality authority
37 composed of eleven members. Nine members shall be appointed by the
38 governor and confirmed by the senate. In addition, the commissioner of

1 public lands or the commissioner's designee and the director of ecology
2 or the director's designee shall serve as ex officio members. Three of
3 the members shall include a representative from the counties, a
4 representative from the cities, and a tribal representative. The
5 director of ecology shall be chair of the authority. In making these
6 appointments, the governor shall seek to include representation of the
7 variety of interested parties concerned about Puget Sound water
8 quality, including representation from the business and environmental
9 communities. Appointments shall reflect the geographic balance and
10 diversity of population within the Puget Sound basin. (~~Of the~~
11 ~~appointed members, at least one shall be selected from each of the six~~
12 ~~congressional districts surrounding Puget Sound.~~) Members shall serve
13 four-year terms. (~~Of the initial members appointed to the authority,~~
14 ~~two shall serve for two years, two shall serve for three years, and two~~
15 ~~shall serve for four years. Thereafter members shall be appointed to~~
16 ~~four-year terms. Members representing cities, counties, and the tribes~~
17 ~~shall also serve four-year staggered terms, as determined by the~~
18 ~~governor.~~) Vacancies shall be filled by appointment for the remainder
19 of the unexpired term of the position being vacated. The executive
20 director of the authority shall be selected by the governor and shall
21 serve at the pleasure of the governor. The executive director shall
22 not be a member of the authority.

23 (2) Members shall be compensated as provided in RCW 43.03.250.
24 Members shall be reimbursed for travel expenses as provided in RCW
25 43.03.050 and 43.03.060.

26 (3) The executive director of the authority shall be a full-time
27 employee responsible for the administration of all functions of the
28 authority, including hiring and terminating staff, budget preparation,
29 contracting, coordinating with the governor, the legislature, and other
30 state and local entities, and the delegation of responsibilities as
31 deemed appropriate. The salary of the executive director shall be
32 fixed by the governor, subject to RCW 43.03.040.

33 (~~(4) (The authority shall prepare a budget and a work plan.~~

34 ~~(5))~~) Not more than four employees of the authority may be exempt
35 from the provisions of chapter 41.06 RCW.

36 (~~(6))~~) (5) The executive director and staff of the authority shall
37 be located in the Olympia area, as space becomes available. The
38 department of general administration shall house the authority within
39 the department of ecology.

1 **Sec. 3.** RCW 90.70.055 and 1990 c 115 s 4 are each amended to read
2 as follows:

3 The authority shall:

4 (1) Prepare ~~((and)),~~ adopt, and revise a comprehensive Puget Sound
5 water quality management plan, as defined in RCW 90.70.060, and a
6 strategy for implementing the plan. In preparing the plan and any
7 substantial revisions to the plan, the authority shall consult with its
8 advisory committee or committees and appropriate federal, state,
9 ~~((and))~~ local, and private agencies. The authority shall also solicit
10 extensive participation by the public by whatever means it finds
11 appropriate, including public hearings throughout communities bordering
12 or near Puget Sound, dissemination of information through the news
13 media, public notices, and mailing lists, and the organization of
14 workshops, conferences, and seminars;

15 ~~(2) ((During the plan's initial development and any subsequent~~
16 ~~revisions, submit annual progress reports on plan revisions and~~
17 ~~implementation to the governor and the legislature.~~

18 ~~(3) Submit the plan to the governor and the legislature no later~~
19 ~~than January 1, 1987. The authority shall))~~ Review, revise, and submit
20 the plan to the governor and appropriate committees of the legislature
21 at least every ((four)) six years ~~((and revise the plan, as deemed~~
22 ~~appropriate, and shall submit the plan by July 1, 1994, and every four~~
23 ~~years thereafter))~~);

24 ~~((+4))~~ (3) Prepare a biennial "state of the Sound" report and
25 submit such report to the governor, the legislature, and the state
26 agencies and local governments identified in the plan~~((.- Copies of the~~
27 ~~report shall be made available to the public. The report shall~~
28 ~~describe the current condition of water quality and related resources~~
29 ~~in Puget Sound and shall include:~~

30 ~~(a) The status and condition of the resources of Puget Sound,~~
31 ~~including the results of ecological monitoring, including an assessment~~
32 ~~of the economic value of Puget Sound;~~

33 ~~(b) Current and foreseeable trends in water quality of Puget Sound~~
34 ~~and the management of its resources;~~

35 ~~(c) Review of significant public and private activities affecting~~
36 ~~Puget Sound and an assessment of whether such activities are consistent~~
37 ~~with the plan; and~~

38 ~~(d) Recommendations to the governor, the legislature, and~~
39 ~~appropriate state and local agencies for actions needed to remedy any~~

1 deficiencies in current policies, plans, programs, or activities
2 relating to the water quality of Puget Sound, and recommendations
3 concerning changes necessary to protect and improve Puget Sound water
4 quality)); ((and

5 (5)) (4) Review the status of plan implementation efforts,
6 including review of Puget Sound related budgets and regulatory and
7 enforcement activities of state agencies with responsibilities for
8 water quality and related resources in Puget Sound;

9 (5) Collect, disseminate, and make available scientific information
10 and research on Puget Sound;

11 (6) Develop materials, programs, and projects to educate and assist
12 private citizens and enterprises concerning how they can protect Puget
13 Sound, including but not limited to managing a public involvement and
14 education fund;

15 (7) Provide technical assistance to state, local, and federal
16 agencies identified in the plan in designing, funding, and implementing
17 water quality programs and projects;

18 (8) Advocate for flexibility in federal and state regulatory
19 requirements to facilitate private and local strategies to improve the
20 health of Puget Sound;

21 (9) Provide dispute resolution and mediation between public
22 agencies and between public and private entities to achieve coordinated
23 and cost-effective implementation of the plan;

24 (10) Develop performance measures that will gauge progress in
25 implementing the plan and in protecting Puget Sound;

26 (11) Set priorities for implementation of plan elements to
27 facilitate executive and legislative decision making.

28 **Sec. 4.** RCW 90.70.060 and 1990 c 115 s 5 are each amended to read
29 as follows:

30 The plan adopted by the authority shall be a positive document
31 prescribing the needed actions for the maintenance and enhancement of
32 Puget Sound water quality. The plan shall address all the waters of
33 Puget Sound, the Strait of Juan de Fuca, and, to the extent that they
34 affect water quality in Puget Sound, all waters flowing into Puget
35 Sound, and adjacent lands. The authority may define specific
36 geographic boundaries within which the plan applies. The plan shall
37 coordinate and incorporate existing planning and research efforts of

1 state agencies and local government related to Puget Sound, and shall
2 avoid duplication of existing efforts. (~~The plan shall include:~~

- 3 ~~(1) A statement of the goals and objectives for long and short-term~~
4 ~~management of the water quality of Puget Sound;~~
- 5 ~~(2) A resource assessment which identifies critically sensitive~~
6 ~~areas, key characteristics, and other factors which lead to an~~
7 ~~understanding of Puget Sound as an ecosystem;~~
- 8 ~~(3) Demographic information and assessment as relates to future~~
9 ~~water quality impacts on Puget Sound;~~
- 10 ~~(4) An identification and legal analysis of all existing laws~~
11 ~~governing actions of government entities which may affect water quality~~
12 ~~management of Puget Sound, the interrelationships of those laws, and~~
13 ~~the effect of those laws on implementation of the provisions of the~~
14 ~~plan;~~
- 15 ~~(5) Review and assessment of existing criteria and guidelines for~~
16 ~~governmental activities affecting Puget Sound's resources, including~~
17 ~~shoreline resources, aquatic resources, associated watersheds,~~
18 ~~recreational resources and commercial resources;~~
- 19 ~~(6) Identification of research needs and priorities;~~
- 20 ~~(7) Recommendations for guidelines, standards, and timetables for~~
21 ~~protection and clean-up activities and the establishment of priorities~~
22 ~~for major clean-up investments and nonpoint source management, and the~~
23 ~~projected costs of such priorities;~~
- 24 ~~(8) A procedure assuring local government initiated planning for~~
25 ~~Puget Sound water quality protection;~~
- 26 ~~(9) Ways to better coordinate federal, state, and local planning~~
27 ~~and management activities affecting Puget Sound's water quality;~~
- 28 ~~(10) Public involvement strategies, including household hazardous~~
29 ~~waste education, community clean-up efforts, and public participation~~
30 ~~in developing and implementing the plan;~~
- 31 ~~(11) Recommendations on protecting, preserving and, where possible,~~
32 ~~restoring wetlands and wildlife habitat and shellfish beds throughout~~
33 ~~Puget Sound;~~
- 34 ~~(12) Recommendations for a comprehensive water quality and sediment~~
35 ~~monitoring program;~~
- 36 ~~(13) Analysis of current industrial pretreatment programs for toxic~~
37 ~~wastes, and procedures and enforcement measures needed to enhance them;~~

1 ~~(14) Recommendations for a program of dredge spoil disposal,~~
2 ~~including interim measures for disposal and storage of dredge spoil~~
3 ~~material from or into Puget Sound;~~

4 ~~(15) Definition of major public actions subject to review and~~
5 ~~comment by the authority because of a significant impact on Puget Sound~~
6 ~~water quality and related resources, and development of criteria for~~
7 ~~review thereof;~~

8 ~~(16) Recommendations for implementation mechanisms to be used by~~
9 ~~state and local government agencies;~~

10 ~~(17) Standards and procedures for reporting progress by state and~~
11 ~~local governments in the implementation of the plan;~~

12 ~~(18) An analysis of resource requirements and funding mechanisms~~
13 ~~for updating of the plan and plan implementation; and~~

14 ~~(19) Legislation needed to assure plan implementation.))~~

15 The authority shall circulate and receive comments on drafts of the
16 plan mandated herein, and keep a record of all relevant comments made
17 at public hearings and in writing. These records should be made easily
18 available to interested persons.

19 ~~((As part of the plan, the authority shall prepare a strategy for~~
20 ~~implementing the plan that includes, but is not limited to:—(a)~~
21 ~~Setting priorities for implementation of plan elements to facilitate~~
22 ~~executive and legislative decision making; (b) assessment of the~~
23 ~~capabilities and constraints, both internal and external to state and~~
24 ~~local government, that may affect plan implementation; and (c) an~~
25 ~~analysis of the strategic options in light of the resources available~~
26 ~~to the state. In developing this strategy, the authority shall consult~~
27 ~~and coordinate with other related environmental planning efforts.))~~

28 **Sec. 5.** RCW 90.70.065 and 1995 c 269 s 3501 are each amended to
29 read as follows:

30 (1) In addition to other powers and duties specified in this
31 chapter, the authority shall ensure implementation and coordination of
32 the Puget Sound ambient monitoring program established in the plan
33 under RCW 90.70.060(12). ~~((The program shall:~~

34 ~~(a) Develop a baseline and examine differences among areas of Puget~~
35 ~~Sound, for environmental conditions, natural resources, and~~
36 ~~contaminants in seafood, against which future changes can be measured;~~

37 ~~(b) Take measurements relating to specific program elements~~
38 ~~identified in the plan;~~

1 ~~(c) Measure the progress of the ambient monitoring programs~~
2 ~~implemented under the plan;~~

3 ~~(d) Provide a permanent record of significant natural and human-~~
4 ~~caused changes in key environmental indicators in Puget Sound; and~~

5 ~~(e) Help support research on Puget Sound.)~~

6 (2) Each state agency with responsibilities for implementing the
7 Puget Sound ambient monitoring program, as specified in the plan, shall
8 participate in the program.

9 **Sec. 6.** RCW 90.70.902 and 1990 c 115 s 13 are each amended to read
10 as follows:

11 Nothing in RCW 43.131.370 shall affect the implementation and
12 requirements of the Puget Sound water quality management plan existing
13 on June 30, (~~(1995)~~), 2002 or such other effective date of repeal of
14 the laws referenced in RCW 43.131.370. The implementation of the plan
15 on and after that date shall be the responsibility of such entities as
16 are provided by the legislature.

17 **Sec. 7.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to
18 read as follows:

19 The Puget Sound water quality authority and its powers and duties
20 shall be terminated on June 30, (~~(1995)~~) 2002, as provided in RCW
21 43.131.370.

22 **Sec. 8.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to
23 read as follows:

24 The following acts or parts of acts, as now existing or hereafter
25 amended, are each repealed, effective June 30, (~~(1996)~~) 2003:

26 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

27 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

28 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,
29 Laws of 1990 and RCW 90.70.011;

30 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

31 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

32 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,
33 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

34 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,
35 Laws of 1990 and RCW 90.70.055;

1 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,
2 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

3 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,
4 Laws of 1990 and RCW 90.70.070;

5 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,
6 Laws of 1990 and RCW 90.70.080; and

7 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

8 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
9 repealed:

10 (1) RCW 90.70.027 and 1992 c 63 s 15;

11 (2) RCW 90.70.035 and 1985 c 451 s 6;

12 (3) RCW 90.70.045 and 1994 c 264 s 97, 1990 c 115 s 3, 1988 c 36 s
13 72, & 1985 c 451 s 7;

14 (4) RCW 90.70.075 and 1990 c 115 s 10;

15 (5) RCW 90.70.080 and 1990 c 115 s 7 & 1985 c 451 s 10;

16 (6) RCW 90.70.090 and 1990 c 115 s 8; and

17 (7) RCW 90.70.100 and 1991 c 200 s 502.

18 NEW SECTION. **Sec. 10.** This act shall take effect June 30, 1996.

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