
SENATE BILL 5598

State of Washington

54th Legislature

1995 Regular Session

By Senators Fraser, Swecker, C. Anderson, McAuliffe and Spanel

Read first time 01/27/95. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the centennial clean water fund; amending RCW
2 70.146.010, 70.146.030, and 70.146.070; reenacting and amending RCW
3 70.146.060; adding new sections to chapter 70.146 RCW; providing an
4 effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 70.146.010 and 1986 c 3 s 1 are each amended to read
7 as follows:

8 The long-range health and environmental goals for the state of
9 Washington require the protection of the state's surface and
10 underground waters for the health, safety, use, enjoyment, and economic
11 benefit of its people. It is the purpose of this chapter to provide
12 financial assistance to the state and to local governments for the
13 planning, design, acquisition, construction, and improvement of water
14 pollution control facilities and related activities in the achievement
15 of state and federal water pollution control requirements for the
16 protection of the state's waters.

17 It is the intent of the legislature that distribution of moneys for
18 water pollution control facilities under this chapter be made on an
19 equitable basis taking into consideration legal mandates, local effort,

1 ratepayer impacts, and past distributions of state and federal moneys
2 for water pollution control facilities. It is further the intent of
3 the legislature that distribution of moneys for water pollution control
4 activities under this chapter include projects that provide for public
5 education and involvement in water pollution prevention and control.

6 It is the intent of this chapter that the cost of any water
7 pollution control facility attributable to increased or additional
8 capacity that exceeds one hundred ten percent of existing needs at the
9 time of application for assistance under this chapter shall be entirely
10 a local or private responsibility. It is the intent of this chapter
11 that industrial pretreatment be paid by industries and that the water
12 quality account shall not be used for such purposes.

13 **Sec. 2.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended
14 to read as follows:

15 (1) The water quality account is hereby created in the state
16 treasury. Moneys in the account may be used only in a manner
17 consistent with this chapter. Moneys deposited in the account shall be
18 administered by the department of ecology and shall be subject to
19 legislative appropriation. Moneys placed in the account shall include
20 tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390,
21 principal and interest from the repayment of any loans granted pursuant
22 to this chapter, and any other moneys appropriated to the account by
23 the legislature.

24 (2) The department may use or permit the use of any moneys in the
25 account to make grants or loans to public bodies, including grants to
26 public bodies as cost-sharing moneys in any case where federal, local,
27 or other funds are made available on a cost-sharing basis, for water
28 pollution control facilities and activities, or for purposes of
29 assisting a public body to obtain an ownership interest in water
30 pollution control facilities and/or to defray a part of the payments
31 made by a public body to a service provider under a service agreement
32 entered into pursuant to RCW 70.150.060, within the purposes of this
33 chapter and for related administrative expenses. No more than three
34 percent of the moneys deposited in the account may be used by the
35 department to pay for the administration of the grant and loan program
36 authorized by this chapter.

37 (3) Before November 1st of each year, the department shall
38 ~~((present a progress report each biennium on the use of moneys from the~~

1 account to the chairs of the committees on ways and means of the senate
2 and house of representatives, including one copy to the staff of each
3 of the committees)) submit to the legislature a prioritized list of
4 projects that are recommended for funding by the legislature. The
5 department shall not sign contracts or otherwise financially obligate
6 funds from the water quality account before the legislature has
7 appropriated funds for a specific list of projects. The legislature
8 may remove projects from the list recommended by the department, but
9 shall not change the order of the priorities recommended for funding by
10 the department.

11 **Sec. 3.** RCW 70.146.060 and 1987 c 527 s 1 and 1987 c 436 s 7 are
12 each reenacted and amended to read as follows:

13 ((During the period from July 1, 1987, until June 30, 1995, the
14 following limitations shall apply to the department's total
15 distribution of funds appropriated from the water quality account:

16 (1) Not more than fifty percent for water pollution control
17 facilities which discharge directly into marine waters;

18 (2) Not more than twenty percent for water pollution control
19 activities that prevent or mitigate pollution of underground waters and
20 facilities that protect federally designated sole source aquifers with
21 at least two thirds for the Spokane Rathdrum Prairie Aquifer;

22 (3) Not more than ten percent for water pollution control
23 activities that protect freshwater lakes and rivers including but not
24 limited to Lake Chelan and the Yakima and Columbia rivers;

25 (4) Not more than ten percent for activities which control nonpoint
26 source water pollution;

27 (5) Ten percent and such sums as may be remaining from the
28 categories specified in subsections (1) through (4) of this section for
29 water pollution control activities or facilities as determined by the
30 department; and

31 (6) Two and one half percent of the total amounts of moneys under
32 subsections (1) through (5) of this section from February 21, 1986,
33 until December 31, 1995, shall be appropriated biennially to the state
34 conservation commission for the purposes of this chapter. Not less
35 than ten percent of the moneys received by the state conservation
36 commission under the provisions of this section shall be expended on
37 research activities.

1 ~~The distribution under this section shall not be required to be met~~
2 ~~in any single fiscal year.))~~

3 Funds provided for facilities and activities under this chapter may
4 be used for payments to a service provider under a service agreement
5 pursuant to RCW 70.150.060. If funds are to be used for such payments,
6 the department may make periodic disbursements to a public body or may
7 make a single lump sum disbursement. Disbursements of funds with
8 respect to a facility owned or operated by a service provider shall be
9 equivalent in value to disbursements that would otherwise be made if
10 that facility were owned or operated by a public body. Payments under
11 this chapter for waste disposal and management facilities made to
12 public bodies entering into service agreements pursuant to RCW
13 70.150.060 shall not exceed amounts paid to public bodies not entering
14 into service agreements.

15 **Sec. 4.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended
16 to read as follows:

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

19 ~~((1))~~ (a) The protection of water quality and public health, with
20 emphasis upon water bodies that are not in compliance with water
21 quality standards pursuant to 303(d) of the federal clean water act and
22 prevention of degradation in water bodies where a significant threat
23 exists;

24 ~~((2))~~ (b) The cost to residential ratepayers if they had to
25 finance water pollution control facilities without state assistance,
26 with emphasis on small communities that do not have a sufficient rate
27 base to finance the full costs of such projects;

28 ~~((3))~~ (c) Actions required under federal and state permits and
29 compliance orders;

30 ~~((4) The level of local fiscal effort by residential ratepayers~~
31 ~~since 1972 in financing water pollution control facilities))~~ (d)
32 Providing a preference for loans over grants for facility projects;

33 ~~((5) The extent to which the applicant county or city, or if the~~
34 ~~applicant is another public body, the extent to which the county or~~
35 ~~city in which the applicant public body is located, has established~~
36 ~~programs to mitigate nonpoint pollution of the surface or subterranean~~
37 ~~water sought to be protected by the water pollution control facility~~

1 ~~named in the application for state assistance)) (e) The extent to which~~
2 ~~assistance has been provided from other state and federal sources; and~~
3 ~~((6) The recommendations of the Puget Sound water quality~~
4 ~~authority and any other board, council, commission, or group~~
5 ~~established by the legislature or a state agency to study water~~
6 ~~pollution control issues in the state)) (f) Providing a balanced~~
7 ~~geographic distribution of awards.~~

8 (2) The department shall not award a grant or loan under this
9 chapter for a project unless the project is consistent with:

10 (a) Watershed plans adopted under chapters 90.70 and 90.54 RCW or
11 any other governmentally approved watershed plan;

12 (b) Applicable provisions of capital facilities plans adopted under
13 chapter 36.70A RCW; and

14 (c) Applicable comprehensive sewer plans.

15 Projects that implement elements of these plans shall be accorded
16 a priority in determination of awards.

17 (3) A county, city, or town that is required or chooses to plan
18 under RCW 36.70A.040 may not receive a grant or loan for water
19 pollution control facilities unless it has adopted a comprehensive plan
20 in conformance with the requirements of chapter 36.70A RCW, after it is
21 required that the comprehensive plan be adopted, or unless it has
22 adopted development regulations in conformance with the requirements of
23 chapter 36.70A RCW, after it is required that development regulations
24 be adopted.

25 NEW SECTION. Sec. 5. A new section is added to chapter 70.146 RCW
26 to read as follows:

27 The department shall appoint an advisory committee to assist in
28 developing and revising criteria by which projects will be ranked and
29 in proposing a prioritized list of projects for funding each year. In
30 making appointments to the committee, the department shall seek to
31 include representation from all interested parties, including local
32 governments, tribal governments, environmental organizations, other
33 state agencies, and academic interests. The advisory committee shall
34 also include representation from geographically diverse parts of the
35 state. The directors of the state conservation commission and the
36 Puget Sound water quality authority shall serve ex officio on the
37 advisory committee.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.146 RCW
2 to read as follows:

3 Each biennium, ten percent of the funds available for appropriation
4 from the water quality account shall be appropriated to the state
5 conservation commission. These funds shall be used for grants to local
6 conservation districts for nonpoint water pollution control activities
7 and facilities. Subject to the limitations of this section, the
8 commission's grant program shall include basic allocation grants to all
9 conservation districts for these purposes as well as competitive grant
10 awards for projects that address high priority water quality problems.
11 The commission shall require a match of at least twenty-five percent
12 from local resources by the grantee. No more than three percent of the
13 amount appropriated to the commission may be used for administration of
14 the grant program.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect July 1, 1995.

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