
ENGROSSED SUBSTITUTE HOUSE BILL 2239

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Buck and Wood)

Read first time 03/08/1999.

1 AN ACT Relating to storm water control grant programs; amending RCW
2 90.78.005, 90.78.010, 90.78.020, and 75.50.165; and providing an
3 expiration date.

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

5 **Sec. 1.** RCW 90.78.005 and 1996 c 285 s 2 are each amended to read
6 as follows:

7 The legislature finds that the increasing population and continued
8 development throughout the state have increased the need for storm
9 water control. Storm water impacts have resulted in increased public
10 health risks related to drinking water and agricultural and seafood
11 products; increased disruption of economic activity, transportation
12 facilities, and other public and private land and facilities due to the
13 lack of adequate flood control measures; adverse affects on state fish
14 populations and watershed hydrology; and contamination of sediments.

15 In addition, current storm water control and management efforts
16 related to transportation projects lack necessary coordination on a
17 watershed, regional, and state-wide basis; have inadequate funding; and
18 fail to maximize use of available resources.

1 More stringent regulatory requirements have increased the costs
2 that state and local governments must incur to deal with significant
3 sources of pollution such as storm water. The costs estimated to
4 properly maintain and construct storm water facilities far exceed
5 available revenues.

6 Therefore, it is the intent of the legislature to establish a
7 program to develop a state-wide coordination mechanism for the funding
8 of state, county, and city highway and roadway-related storm water
9 management and control projects that will facilitate the completion of
10 the state's most urgently needed storm water projects in the most cost-
11 effective manner. Unexpended annual utility fee payments that are not
12 collected by virtue of defaulting in preparing a plan must be used in
13 the storm water grant program as defined in RCW 90.78.010 and
14 90.78.020.

15 **Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read
16 as follows:

17 The department of transportation, in cooperation with the
18 transportation improvement board, the department of ecology, cities,
19 towns, counties, environmental organizations, business organizations,
20 Indian tribes, and port districts, shall develop a storm water
21 management funding and implementation program to address state, county,
22 and city highway and roadway-related storm water control problems. As
23 part of the program, the department may provide grants and may rate and
24 rank local transportation improvement projects to facilitate the
25 construction of the highest priority state and local storm water
26 management projects based on cost-effectiveness and contribution toward
27 improved water quality, mitigating the impacts of altered stream
28 hydrology, improved salmonid habitat, and reduced flooding in a
29 watershed.

30 The program shall address, but is not limited to, the following
31 objectives: (1) Greater state-wide coordination of the construction of
32 storm water treatment facilities; (2) encouraging multijurisdictional
33 projects; (3) developing priorities and approaches for implementing
34 activities within watersheds; (4) methods to enhance, preserve, and
35 restore salmonid habitat; (5) identification and prioritization of
36 storm water retrofit programs; ~~((+5))~~ (6) evaluating methods to
37 determine cost benefits of proposed projects; ~~((+6))~~ (7) identifying
38 ways to facilitate the sharing of technical resources; ~~((+7))~~ (8)

1 developing methods for monitoring and evaluating activities carried out
2 under the program; and ~~((+8+))~~ (9) identifying potential funding
3 sources for continuation of the program.

4 **Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read
5 as follows:

6 The department of transportation may provide grants and may rate
7 and rank local transportation improvement projects to implement state,
8 county, and city highway and roadway-related storm water control
9 measures. Cities, towns, counties, port districts, Indian tribes, and
10 the department of transportation are eligible to receive grants, on a
11 matching basis. A committee consisting of two representatives each
12 from the department of transportation, with one as chair, the
13 department of ecology, cities, and counties, and one representative
14 each from the transportation improvement board, the department of fish
15 and wildlife, an environmental organization, and a business
16 organization, shall oversee the grant program. The committee may add
17 representatives of other agencies, organizations, or interest groups to
18 serve as members of the committee or in an advisory capacity. In
19 developing project criteria, the committee shall identify the most
20 urgent state, county, and city highway and roadway-related storm water
21 management and control problems; develop methods for applying
22 priorities across watersheds; give added weight to projects based on
23 local contribution, multijurisdictional involvement, and whether the
24 project is a priority for a local storm water utility; and determine
25 the benefits of, and, if appropriate, provide incentives for off-site
26 placement of storm water facilities and out-of-kind mitigation for
27 storm water impacts.

28 **Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read
29 as follows:

30 (1) The department of transportation ~~((is authorized to))~~ and the
31 department of fish and wildlife may administer ((a)) and coordinate all
32 state grant programs specifically designed to assist state agencies,
33 local governments, private landowners, tribes, organizations, and
34 volunteer groups in identifying and removing impediments to
35 ~~((anadromous))~~ salmonid fish passage. ~~((The))~~ The transportation
36 improvement board is authorized to administer all grant programs
37 specifically designed to assist cities, counties, and local governments

1 with fish passage barrier corrections associated with transportation
2 projects. All grant programs ((shall)) must be administered and be
3 consistent with the following:

4 (a) ~~((Eligible projects include))~~ Salmonid-related corrective
5 projects, inventory, assessment, and prioritization efforts;

6 (b) Salmonid projects ((shall be)) subject to a competitive
7 application process; and

8 (c) A minimum dollar match rate that is consistent with the funding
9 authority's criteria. If no funding match is specified, a match amount
10 of at least twenty-five percent per project shall be required. For
11 local, private, and volunteer projects, in-kind contributions may be
12 counted toward the match requirement.

13 (2) Priority shall be given to projects that immediately increase
14 access to available and improved spawning and rearing habitat for
15 depressed, threatened, and endangered stocks. Priority shall also be
16 given to project applications that are coordinated with other efforts
17 within a watershed((?)).

18 ~~((d))~~ (3) Except for projects administered by the transportation
19 improvement board, all projects shall be reviewed and approved by the
20 fish passage barrier removal task force((? and

21 ~~(e) A match of at least twenty five percent per project shall be~~
22 ~~required. For local, private, and volunteer projects, in-kind~~
23 ~~contributions may be counted toward the match requirement.~~

24 ~~(2) The department of transportation shall proceed expeditiously in~~
25 ~~implementing the grant program during the 1998 summer construction~~
26 ~~season)) or an alternative oversight committee designated by the state~~
27 ~~legislature.~~

28 (4) Other agencies that administer natural resource based grant
29 programs that may include fish passage barrier removal projects shall
30 use fish passage selection criteria that are consistent with this
31 section.

32 (5) The departments of transportation and fish and wildlife shall
33 establish a centralized data base directory of all fish passage barrier
34 information. The data base directory shall include, but is not limited
35 to, existing fish passage inventories, fish passage projects, grant
36 program applications, and other data bases. These data shall be used
37 to coordinate and assist in habitat recovery and project mitigation
38 projects.

1 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act expire July
2 1, 2003.

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