

**ESHB 2116** - S AMD 367

By Senators Honeyford, Zarelli, Benton

OUT OF ORDER 04/14/2009

1 On page 8, after line 16, insert the following:

2 "Sec. 7. RCW 90.48.260 and 2007 c 341 s 55 are each amended to  
3 read as follows:

4 (1) The department of ecology is hereby designated as the state  
5 water pollution control agency for all purposes of the federal clean  
6 water act as it exists on February 4, 1987, and is hereby authorized to  
7 participate fully in the programs of the act as well as to take all  
8 action necessary to secure to the state the benefits and to meet the  
9 requirements of that act. With regard to the national estuary program  
10 established by section 320 of that act, the department shall exercise  
11 its responsibility jointly with the Puget Sound partnership, created in  
12 RCW 90.71.210. The department of ecology may delegate its authority  
13 under this chapter, including its national pollutant discharge  
14 elimination permit system authority and duties regarding animal feeding  
15 operations and concentrated animal feeding operations, to the  
16 department of agriculture through a memorandum of understanding. Until  
17 any such delegation receives federal approval, the department of  
18 agriculture's adoption or issuance of animal feeding operation and  
19 concentrated animal feeding operation rules, permits, programs, and  
20 directives pertaining to water quality shall be accomplished after  
21 reaching agreement with the director of the department of ecology.  
22 Adoption or issuance and implementation shall be accomplished so that  
23 compliance with such animal feeding operation and concentrated animal  
24 feeding operation rules, permits, programs, and directives will achieve  
25 compliance with all federal and state water pollution control laws.  
26 The powers granted herein include, among others, and notwithstanding  
27 any other provisions of chapter 90.48 RCW or otherwise, the following:

28 ~~((1))~~ (a) Complete authority to establish and administer a  
29 comprehensive state point source waste discharge or pollution discharge  
30 elimination permit program which will enable the department to qualify

1 for full participation in any national waste discharge or pollution  
2 discharge elimination permit system and will allow the department to be  
3 the sole agency issuing permits required by such national system  
4 operating in the state of Washington subject to the provisions of RCW  
5 90.48.262(2). Program elements authorized herein may include, but are  
6 not limited to: ~~((a))~~ (i) Effluent treatment and limitation  
7 requirements together with timing requirements related thereto; ~~((b))~~  
8 (ii) applicable receiving water quality standards requirements; ~~((c))~~  
9 (iii) requirements of standards of performance for new sources; ~~((d))~~  
10 (iv) pretreatment requirements; ~~((e))~~ (v) termination and  
11 modification of permits for cause; ~~((f))~~ (vi) requirements for public  
12 notices and opportunities for public hearings; ~~((g))~~ (vii)  
13 appropriate relationships with the secretary of the army in the  
14 administration of his responsibilities which relate to anchorage and  
15 navigation, with the administrator of the environmental protection  
16 agency in the performance of his duties, and with other governmental  
17 officials under the federal clean water act; ~~((h))~~ (viii)  
18 requirements for inspection, monitoring, entry, and reporting; ~~((i))~~  
19 (ix) enforcement of the program through penalties, emergency powers,  
20 and criminal sanctions; ~~((j))~~ (x) a continuing planning process; and  
21 ~~((k))~~ (xi) user charges.

22 ~~((2))~~ (b) The power to establish and administer state programs in  
23 a manner which will insure the procurement of moneys, whether in the  
24 form of grants, loans, or otherwise; to assist in the construction,  
25 operation, and maintenance of various water pollution control  
26 facilities and works; and the administering of various state water  
27 pollution control management, regulatory, and enforcement programs.

28 ~~((3))~~ (c) The power to develop and implement appropriate programs  
29 pertaining to continuing planning processes, area-wide waste treatment  
30 management plans, and basin planning.

31 (2) The governor shall have authority to perform those actions  
32 required of him or her by the federal clean water act.

33 (3) Redevelopment, as defined in the 2005 western Washington storm  
34 water management manual, is not subject to the forested condition flow  
35 control requirements of the 2005 western Washington storm water  
36 management manual."

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1           On page 1, line 2 of the title, after "90.50A.060," strike "and  
2 90.48.110" and insert "90.48.110, and 90.48.260"

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