
SENATE BILL 5087

State of Washington

56th Legislature

1999 Regular Session

By Senator Swecker

Read first time 01/12/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to compliance with the federal clean water act;
2 amending RCW 90.48.260; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that community-based
5 involvement and cooperation with local governments lead to cost-
6 effective solutions to reduce water pollution and achieve water quality
7 standards. In addition, local support for programs to reduce water
8 pollution and achieve water quality standards increases the chance of
9 success of these programs.

10 Therefore, it is the purpose of this act to require the department
11 of ecology to involve local governments and citizens in preparing the
12 total maximum daily load it submits to the federal government for each
13 body of water that fails to meet the water quality standards under the
14 federal clean water act.

15 **Sec. 2.** RCW 90.48.260 and 1988 c 220 s 1 are each amended to read
16 as follows:

17 (1) The department of ecology is hereby designated as the State
18 Water Pollution Control Agency for all purposes of the federal clean

1 water act as it exists on February 4, 1987, and is hereby authorized to
2 participate fully in the programs of the act as well as to take all
3 action necessary to secure to the state the benefits and to meet the
4 requirements of that act. With regard to the national estuary program
5 established by section 320 of that act, the department shall exercise
6 its responsibility jointly with the Puget Sound (~~water quality~~
7 ~~authority~~) action team. The powers granted herein include, among
8 others, and notwithstanding any other provisions of chapter 90.48 RCW
9 or otherwise, the following:

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

34 ((+2)) (b) The power to establish and administer state programs in
35 a manner which will insure the procurement of moneys, whether in the
36 form of grants, loans, or otherwise; to assist in the construction,
37 operation, and maintenance of various water pollution control
38 facilities and works; and the administering of various state water
39 pollution control management, regulatory, and enforcement programs.

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

4 (2) In addition to the elements in subsection (1)(a) of this
5 section, the department must, in preparing the total maximum daily load
6 for each water body that fails to meet the standards under the federal
7 clean water act in 33 U.S.C. Sec. 1313:

8 (a) Consider alternatives such as flow augmentation and instream
9 mechanical aerators; and

10 (b) Collaborate with local governments and wastewater treatment
11 plant operators to arrive at appropriate treatment methods to bring the
12 impaired water body into compliance with the water quality standard.

13 (3) The governor shall have authority to perform those actions
14 required of him or her by the federal clean water act.

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