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SENATE BILL 6489

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State of Washington

56th Legislature

2000 Regular Session

By Senators Eide, McAuliffe, Fraser and Jacobsen

Read first time . Referred to Committee on .

1 AN ACT Relating to prohibiting the use of mixing zones for  
2 persistent bioaccumulative toxic pollutants; amending RCW 90.48.010,  
3 90.48.020, and 90.48.080; adding a new section to chapter 90.48 RCW;  
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature that all  
7 waters of the state meet water quality standards, that the public enjoy  
8 the full range of beneficial uses of state waters, and that water  
9 quality standards are enforced. It is the further intent of the  
10 legislature that sacrificing areas of the state for diluting pollution  
11 is unacceptable for long-lasting pollutants that are particularly  
12 harmful to wildlife and people, especially children, because of the  
13 pollutants' propensity to build up in the food chain and in breastmilk.  
14 The legislature recognizes that the department of ecology has initiated  
15 a strategy to eliminate discharges of these persistent bioaccumulative  
16 toxics and that prohibiting mixing zones for these toxic pollutants is  
17 an important step toward eliminating discharges.

1       **Sec. 2.** RCW 90.48.010 and 1973 c 155 s 1 are each amended to read  
2 as follows:

3       It is declared to be the public policy of the state of Washington  
4 to maintain the highest possible standards to insure the purity of all  
5 waters of the state consistent with public health and public enjoyment  
6 thereof, the propagation and protection of wild life, birds, game, fish  
7 and other aquatic life, and the industrial development of the state,  
8 and to that end require the use of all known available and reasonable  
9 methods by industries and others to prevent and control the pollution  
10 of the waters of the state of Washington. Consistent with this policy,  
11 the state of Washington will exercise its powers, as fully and as  
12 effectively as possible, to retain and secure high quality for all  
13 waters of the state. At a minimum, the state of Washington shall  
14 exercise its powers to ensure that water quality standards are met in  
15 all waters of the state, including waters at or near outfalls permitted  
16 under the national pollutant discharge elimination system. The state  
17 shall prevent exceedances of water quality standards for persistent  
18 bioaccumulative toxics, including exceedances in mixing zones.

19       The state of Washington in recognition of the federal government's  
20 interest in the quality of the navigable waters of the United States,  
21 of which certain portions thereof are within the jurisdictional limits  
22 of this state, proclaims a public policy of working cooperatively with  
23 the federal government in a joint effort to extinguish the sources of  
24 water quality degradation, while at the same time preserving and  
25 vigorously exercising state powers to insure that present and future  
26 standards of water quality within the state shall be determined by the  
27 citizenry, through and by the efforts of state government, of the state  
28 of Washington.

29       **Sec. 3.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read  
30 as follows:

31       (~~Whenever the word~~) The definitions in this section apply  
32 throughout this chapter unless the context clearly requires otherwise.

33       (1) "Aquatic noxious weed" has the meaning prescribed under RCW  
34 17.26.020.

35       (2) "Department" means the department of ecology.

36       (3) "Director" means the director of ecology.

37       (4) "Mixing zone" means an area in a waterbody which is around or  
38 beyond an outfall permitted under the national pollutant discharge

1 elimination system in which concentrations of a particular pollutant  
2 mix with receiving waters.

3 (5) "Persistent bioaccumulative toxics" means the following  
4 chemicals and compounds:

5 (a) Aldrin;

6 (b) Anthracene;

7 (c) Benzo(a)pyrene;

8 (d) Benzo(ghi)perylene;

9 (e) Benz(a)anthracene;

10 (f) Cadmium and compounds;

11 (g) Chlordane;

12 (h) DDT (DDD, DDE);

13 (i) 1,4-dichlorobenzene;

14 (j) 3,3'-dichlorobenzidine;

15 (k) Dieldrin;

16 (l) Endosulfan, including isomers and sulphate;

17 (m) Endrin;

18 (n) Heptachlor;

19 (o) Hexachlorobenzene;

20 (p) A-1,2,3,4,5,6-hexachlorocyclohexene;

21 (q) G-1,2,3,4,5,6-hexachlorocyclohexene or Lindane;

22 (r) Mercury and compounds;

23 (s) Mirex;

24 (t) Pentachlorophenol;

25 (u) Perylene;

26 (v) Phenanthrene;

27 (w) Polychlorinated biphenyls;

28 (x) Polychlorinated dibenzo-p-dioxins and furans;

29 (y) Toxaphene;

30 (z) Tributyl tin;

31 (aa) Trifluralin;

32 (bb) Lead.

33 It shall also include other chemicals and compounds as adopted by  
34 rule.

35 (6) "Person" (~~is used in this chapter, it shall be construed to~~  
36 include)) means any political subdivision, government agency,  
37 municipality, industry, public or private corporation, copartnership,  
38 association, firm, individual, or any other entity whatsoever.

1       (~~Wherever the words~~) (7) "Pollution" means such contamination, or  
2 other alteration of the physical, chemical, or biological properties,  
3 of any waters of the state, including change in temperature, taste,  
4 color, turbidity, or odor of the waters, or such discharge of any  
5 liquid, gaseous, solid, radioactive, or other substance into any waters  
6 of the state as will or is likely to create a nuisance or render such  
7 waters harmful, detrimental, or injurious to the public health, safety,  
8 or welfare, or to domestic, commercial, industrial, agricultural,  
9 recreational, or other legitimate beneficial uses, or to livestock,  
10 wild animals, birds, fish, or other aquatic life.

11       (8) "Waters of the state" (~~(shall be used in this chapter, they~~  
12 ~~shall be construed to include)~~) means lakes, rivers, ponds, streams,  
13 inland waters, underground waters, salt waters, and all other surface  
14 waters and watercourses within the jurisdiction of the state of  
15 Washington.

16       (~~Whenever the word "pollution" is used in this chapter, it shall~~  
17 ~~be construed to mean such contamination, or other alteration of the~~  
18 ~~physical, chemical or biological properties, of any waters of the~~  
19 ~~state, including change in temperature, taste, color, turbidity, or~~  
20 ~~odor of the waters, or such discharge of any liquid, gaseous, solid,~~  
21 ~~radioactive, or other substance into any waters of the state as will or~~  
22 ~~is likely to create a nuisance or render such waters harmful,~~  
23 ~~detrimental or injurious to the public health, safety or welfare, or to~~  
24 ~~domestic, commercial, industrial, agricultural, recreational, or other~~  
25 ~~legitimate beneficial uses, or to livestock, wild animals, birds, fish~~  
26 ~~or other aquatic life.~~

27       ~~Wherever the word "department" is used in this chapter it shall~~  
28 ~~mean the department of ecology.~~

29       ~~Whenever the word "director" is used in this chapter it shall mean~~  
30 ~~the director of ecology.~~

31       ~~Whenever the words "aquatic noxious weed" are used in this chapter,~~  
32 ~~they have the meaning prescribed under RCW 17.26.020.)~~

33       NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW  
34 to read as follows:

35       The department of ecology shall adopt by rule criteria for  
36 designating chemicals and compounds as persistent bioaccumulative  
37 toxics.

1       **Sec. 5.** RCW 90.48.080 and 1987 c 109 s 126 are each amended to  
2 read as follows:

3       It shall be unlawful for any person to throw, drain, run, or  
4 otherwise discharge into any of the waters of this state, or to cause,  
5 permit, or suffer to be thrown, run, drained, allowed to seep, or  
6 otherwise discharged into such waters any organic or inorganic matter  
7 that shall cause or tend to cause pollution of such waters according to  
8 the determination of the department, as provided for in this chapter.  
9 Mixing zones for persistent bioaccumulative toxic pollutants are  
10 prohibited.

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