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**SUBSTITUTE HOUSE BILL 1876**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Jarrett, Murray, Schoesler, Conway, Anderson, Kenney, Cairnes, Sommers, McIntire, Dunshee, Haigh, Chase and Tom)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to the use of a leaching test in state water  
2       quality certifications; adding new sections to chapter 90.48 RCW; and  
3       declaring an emergency.

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

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 90.48 RCW  
6       to read as follows:

7       (1) In order to ensure that construction projects involving the use  
8       of fill material do not pose a threat to water quality, the department  
9       may require that the suitability of potential fill material be  
10      evaluated using a leaching test included in the soil clean-up rules  
11      adopted by the department under chapter 70.105D RCW in any water  
12      quality certification issued under section 401 of the federal clean  
13      water act and in any administrative order issued under this chapter,  
14      where such certification or administrative order authorizes the  
15      placement of fill material, some or all of which will be placed in  
16      waters of the state. Any such requirement imposed by the department in  
17      a water quality certification or administrative order issued prior to  
18      the effective date of this section is ratified and approved by the  
19      legislature as a valid and reliable method for determining

1 concentrations of chemical constituents that can be present in fill  
2 material without posing an unacceptable risk of violating water quality  
3 standards, and shall be in effect as imposed by the department for all  
4 work not completed by June 1, 2003.

5 (2) Nothing in this section limits, in any way, the department's  
6 authority under this chapter.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW  
8 to read as follows:

9 The department shall identify the leaching tests utilized for  
10 evaluating the potential impacts to water quality in situations where  
11 fill material is imported. The tests may include those identified in  
12 the soil clean-up rules adopted by the department under chapter 70.105D  
13 RCW. Within existing resources, the department shall assess whether  
14 this list of leaching tests provides appropriate methods for analyzing  
15 water quality impacts for all types of projects and in all  
16 circumstances where fill material is imported. The department shall  
17 also identify any gaps in leaching test methodology. The department  
18 shall report both the leaching test list and the list of test  
19 methodology gaps to the appropriate committees of the legislature by  
20 December 31, 2003.

21 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 immediately.

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