
SUBSTITUTE HOUSE BILL 1888

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville and Schoesler; by request of Department of Ecology)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to modifying the public notification requirements
2 for wastewater discharge permits; and amending RCW 90.48.170.

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

4 **Sec. 1.** RCW 90.48.170 and 1994 c 264 s 91 are each amended to read
5 as follows:

6 (1) Applications for permits shall be made on forms prescribed by
7 the department and shall contain the name and address of the applicant,
8 a description of the applicant's operations, the quantity and type of
9 waste material sought to be disposed of, the proposed method of
10 disposal, and any other relevant information deemed necessary by the
11 department. Application for permits shall be made at least sixty days
12 prior to commencement of any proposed discharge or permit expiration
13 date, whichever is applicable.

14 (2) Upon receipt of a proper application relating to a new
15 operation, or an operation previously under permit for which an
16 increase in volume of wastes or change in character of effluent is
17 requested over that previously authorized, the department shall
18 ~~((instruct the applicant to publish notices thereof by such means and~~
19 ~~within such time as the department shall prescribe. The department~~

1 ~~shall require that the notice so prescribed shall be published twice in~~
2 ~~a newspaper of general circulation within the county in which the~~
3 ~~disposal of waste material is proposed to be made and in such other~~
4 ~~appropriate information media as the department may direct. Said))~~
5 provide public notice thereof. Upon receipt by the department of an
6 application, it shall immediately send notice thereof containing
7 pertinent information to appropriate state agencies. The department
8 shall also provide public notice of and an opportunity for public
9 comment on proposed or draft permits or permit denials.

10 (3)(a) The department shall provide public notice in a manner
11 reasonably calculated to give actual notice to the persons potentially
12 affected by the proposed discharge and the department's actions with
13 respect to the proposed discharge. Methods of providing notice may
14 include electronic mail, posting on the department's internet site,
15 publication in newspapers, press releases, mailings, and other
16 information media the department may determine is appropriate. When
17 the department determines that publication in a newspaper of general
18 circulation within the county in which the disposal of waste material
19 is proposed to be made is the most appropriate means of providing
20 public notice, the department shall include notification in the
21 newspaper.

22 (b) The department shall maintain a list of persons interested in
23 departmental actions on waste disposal permits and shall provide notice
24 to all persons on the list. Notice may be by electronic distribution
25 or by regular mail.

26 (c) If the department provides notice in a manner specified in (a)
27 of this subsection other than by posting on the department's internet
28 site, the department shall, to the extent practical, post permit
29 applications and permit facts on the department's internet site.

30 (4) Public notice shall include a statement that any person
31 desiring to present his or her views to the department with regard to
32 ((said)) the application may do so in writing to the department, or any
33 person interested in the department's action on an application for a
34 permit, may submit his or her views or notify the department of his or
35 her interest within thirty days of the last date of publication of
36 notice. Such notification or submission of views to the department
37 shall entitle said persons to a copy of the action taken on the
38 application. ((Upon receipt by the department of an application, it

1 ~~shall immediately send notice thereof containing pertinent information~~
2 ~~to the director of fish and wildlife and to the secretary of social and~~
3 ~~health services.))~~

4 (5) When an application complying with the provisions of this
5 chapter and the rules and regulations of the department has been filed
6 with the department, it shall be its duty to investigate the
7 application, and determine whether the use of public waters for waste
8 disposal as proposed will pollute the same in violation of the public
9 policy of the state.

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