
SUBSTITUTE SENATE BILL 5787

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn)

READ FIRST TIME 03/03/03.

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

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

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

6 (1) In order to ensure that construction projects involving the use
7 of fill material do not pose a threat to water quality, the department
8 may require that the suitability of potential fill material be
9 evaluated using a valid and reliable leaching test, including but not
10 limited to method 1312 from environmental protection agency publication
11 SW-846 (synthetic precipitation leaching procedure), 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 is in effect as imposed by the department for all work
4 not completed by June 1, 2003.

5 (2) In enacting this section the legislature does not intend to
6 limit in any way the department's authority under this chapter.

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