
SENATE BILL 5787

State of Washington 58th Legislature 2003 Regular Session

By Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn

Read first time 02/12/2003. Referred to Committee on Natural Resources, Energy & Water.

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 In order to ensure that major construction projects involving the
7 use of large quantities of fill material do not pose a threat to water
8 quality, the department shall require that the chemical suitability of
9 potential fill material be determined through use of a leaching test of
10 the type specified in WAC 173-340-747(7), as it existed on January 1,
11 2003, in all water quality certifications issued under section 401 of
12 the federal clean water act and administrative orders issued under this
13 chapter where such certification or administrative order authorizes the
14 placement of more than two million cubic yards of fill material, some
15 or all of which will be placed in waters of the state. This
16 requirement must be retroactively applied to all water quality
17 certifications and administrative orders issued by the department that
18 authorized the placement of more than two million cubic yards of fill
19 material where the placement is not substantially completed by June 1,

1 2003. This section does not apply to section 401 certifications and
2 orders authorizing the placement of fill material that has been dredged
3 from waters of the United States.

--- END ---