

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5957**

58th Legislature  
2004 Regular Session

Passed by the Senate March 9, 2004  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House March 5, 2004  
YEAS 91 NAYS 3

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SECOND SUBSTITUTE SENATE  
BILL 5957** as passed by the Senate  
and the House of Representatives  
on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5957

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

**State of Washington**                      **58th Legislature**                      **2004 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland)

READ FIRST TIME 02/10/04.

1            AN ACT Relating to the collection and use of water quality data;  
2 adding new sections to chapter 90.48 RCW; creating a new section; and  
3 prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** (1) The legislature finds that:

6            (a) The proper collection and review of credible water quality data  
7 is necessary to ensure compliance with the requirements of the federal  
8 clean water act (33 U.S.C. Sec. 1251 et seq.);

9            (b) The state needs to assemble and evaluate all existing and  
10 readily available water quality-related data and information from  
11 sources other than the state water quality agency, such as federal  
12 agencies, tribes, universities, and volunteer monitoring groups, if the  
13 data meets the state's requirements for data quality; and

14            (c) Developing and implementing water quality protection measures  
15 based on credible water quality data ensures that the financial  
16 resources of state and local governments and regulated entities are  
17 prioritized to address our state's most important water quality issues.

18            (2) The legislature intends to ensure that credible water quality

1 data is used as the basis for the assessment of the status of a water  
2 body relative to the surface water quality standards.

3 (3) It is the intent of the legislature that a water body in which  
4 pollutant loadings from naturally occurring conditions are the sole  
5 cause of a violation of applicable surface water quality standards not  
6 be listed as impaired.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply to  
8 sections 3 and 4 of this act unless the context clearly requires  
9 otherwise.

10 (1) "Credible data" means data meeting the requirements of section  
11 4 of this act.

12 (2) "Department" means the Washington state department of ecology.

13 (3) "Impaired water" means a water body or segment for which  
14 credible data exists that: (a) Satisfies the requirements of sections  
15 3 and 4 of this act; and (b) demonstrates the water body should be  
16 identified pursuant to 33 U.S.C. Sec. 1313(d).

17 (4) "Naturally occurring condition" means any condition affecting  
18 water quality that is not caused by human influence.

19 (5) "Section 303(d)" has the same meaning as in the federal clean  
20 water act (33 U.S.C. Sec. 1313(d)).

21 (6) "Total maximum daily load" has the same meaning as in the  
22 federal clean water act (33 U.S.C. Sec. 1313(d)).

23 NEW SECTION. **Sec. 3.** (1) The department shall use credible  
24 information and literature for developing and reviewing a surface water  
25 quality standard or technical model used to establish a total maximum  
26 daily load for any surface water of the state.

27 (2) The department shall use credible data for the following  
28 actions after the effective date of this section:

29 (a) Determining whether any water of the state is to be placed on  
30 or removed from any section 303(d) list;

31 (b) Establishing a total maximum daily load for any surface water  
32 of the state; or

33 (c) Determining whether any surface water of the state is  
34 supporting its designated use or other classification.

35 (3) The department shall respond to questions regarding the data,  
36 literature, and other information it uses under this section. The

1 department shall reply to requests within five business days  
2 acknowledging that the department has received the request and provide  
3 a reasonable estimate of the time the department will require to  
4 respond to the request.

5 (4) The department, the United States environmental protection  
6 agency, and the Indian tribes in Washington state have developed a  
7 voluntary agreement relating to the cooperative management of the clean  
8 water act section 303(d) program. The department shall consider water  
9 quality data that has been collected by Indian tribes under a quality  
10 assurance project plan that has been approved by the United States  
11 environmental protection agency if that data meets the objectives of  
12 the plan.

13 NEW SECTION. **Sec. 4.** (1) In collecting and analyzing water  
14 quality data for any purpose identified in section 3(2) of this act,  
15 data is considered credible data if:

16 (a) Appropriate quality assurance and quality control procedures  
17 were followed and documented in collecting and analyzing water quality  
18 samples;

19 (b) The samples or measurements are representative of water quality  
20 conditions at the time the data was collected;

21 (c) The data consists of an adequate number of samples based on the  
22 objectives of the sampling, the nature of the water in question, and  
23 the parameters being analyzed; and

24 (d) Sampling and laboratory analysis conform to methods and  
25 protocols generally acceptable in the scientific community as  
26 appropriate for use in assessing the condition of the water.

27 (2) Data interpretation, statistical, and modeling methods shall be  
28 those methods generally acceptable in the scientific community as  
29 appropriate for use in assessing the condition of the water.

30 (3) The department shall develop policy:

31 (a) Explaining how it uses scientific research and literature for  
32 developing and reviewing any water quality standard or technical model  
33 used to establish a total maximum daily load for any water of the  
34 state;

35 (b) Describing the specific criteria that determine data  
36 credibility; and

1 (c) Recommending the appropriate training and experience for  
2 collection of credible data.

3 NEW SECTION. **Sec. 5.** Any person who knowingly falsifies data is  
4 guilty of a gross misdemeanor.

5 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each  
6 added to chapter 90.48 RCW.

7 NEW SECTION. **Sec. 7.** By December 31, 2005, the department of  
8 ecology shall report to the appropriate committees of the senate and  
9 the house of representatives concerning the status of activities  
10 undertaken to comply with the provisions of this act, and shall report  
11 by December 31, 2006 any rule-making or policy development required to  
12 implement this act, including changes in listings resulting from the  
13 use of credible data.

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