

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5787

Chapter 210, Laws of 2003

58th Legislature
2003 Regular Session

LEACHING TESTS

EFFECTIVE DATE: 5/9/03

Passed by the Senate April 23, 2003
YEAS 38 NAYS 10

BRAD OWEN

President of the Senate

Passed by the House April 18, 2003
YEAS 61 NAYS 25

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2003.

GARY F. LOCKE

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
SUBSTITUTE SENATE BILL 5787 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 9, 2003 - 4:26 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5787

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

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; 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.

Passed by the Senate April 23, 2003.

Passed by the House April 18, 2003.

Approved by the Governor May 9, 2003.

Filed in Office of Secretary of State May 9, 2003.