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**SUBSTITUTE SENATE BILL 5895**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to increased coordination between the Puget Sound  
2 recovery partnership and other governmental entities; amending RCW  
3 90.71.005, 90.71.010, 90.71.020, 90.71.030, 90.71.040, 90.71.050,  
4 90.71.060, 90.71.070, 90.71.080, 90.71.100, 90.71.900, 28B.30.632,  
5 43.63A.247, 70.118.090, 70.146.070, 77.60.130, 77.85.210, 79.90.550,  
6 79A.60.510, 79A.60.520, and 90.48.260; adding new sections to chapter  
7 90.71 RCW; and creating a new section.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature intends to improve the  
10 overall efforts to conserve and recover Puget Sound by enhancing  
11 coordination and integration of the planning, budgeting, and program  
12 activities of entities with responsibilities under the Puget Sound  
13 recovery management plan. The goals of this act are to:

14 (a) Foster and improve overall coordination and implementation of  
15 Puget Sound conservation and recovery efforts among all levels of  
16 government and the private sector, in part through developing and  
17 implementing the Puget Sound recovery management plan and biennial work  
18 plans;

1 (b) Improve the coordination among federal, state, local, and  
2 tribal agencies and initiatives in order to better set priorities,  
3 adopt and implement work plans for protecting and restoring Puget  
4 Sound, and allocate resources for these purposes;

5 (c) Adopt performance measures and improve accountability for  
6 results and expenditures in plan implementation;

7 (d) Prepare a budget that is scaled to appropriate timelines for  
8 achieving Puget Sound conservation, recovery, and prevention of further  
9 degradation, and ensure that this budget is considered when adopting  
10 state biennial budgets;

11 (e) Revitalize a Sound-wide planning and implementation framework  
12 that integrates all state agency activities with other Puget Sound  
13 protection and restoration activities;

14 (f) Increase citizen involvement and oversight; and

15 (g) Increase representation of nonstate agency interests and  
16 organized Puget Sound restoration programs on the Puget Sound council.

17 (2) The legislature also finds that the counties, cities, and  
18 special purpose units of local government have major responsibilities  
19 regarding the management, protection, and cleanup of surface waters  
20 draining to Puget Sound, and other land use planning, habitat  
21 protection, infrastructure, and public health and safety  
22 responsibilities that form the foundation for the comprehensive and  
23 coordinated strategy set forth in the 2000 Puget Sound water quality  
24 management plan. The Puget Sound water quality action team is  
25 presently composed of ten state agency representatives and only two  
26 local government representatives, and does not adequately reflect the  
27 major responsibilities for water quality and habitat protection carried  
28 out by local governments. Therefore it is the purpose of this act to  
29 strengthen the local government membership on the Puget Sound water  
30 quality action team, renamed the Puget Sound recovery partnership, and  
31 to expand the assistance that the team provides to local governments  
32 carrying out elements of the Puget Sound plan.

33 **Sec. 2.** RCW 90.71.005 and 1998 c 246 s 13 are each amended to read  
34 as follows:

35 (1) The legislature finds that:

36 (a) Puget Sound and related inland marine waterways of Washington  
37 state represent a unique and unparalleled resource. A rich and varied

1 range of marine organisms, comprising an interdependent, sensitive  
2 communal ecosystem reside in these sheltered waters. Residents of this  
3 region enjoy a way of life centered around the waters of Puget Sound,  
4 featuring accessible recreational opportunities, world-class port  
5 facilities and water transportation systems, harvest of marine food  
6 resources, shoreline-oriented life styles, water-dependent industries,  
7 tourism, irreplaceable aesthetics, and other activities, all of which  
8 to some degree depend upon a clean and healthy marine resource;

9 (b) The Puget Sound (~~(water quality authority)~~) action team has  
10 done an excellent job in developing a comprehensive plan to identify  
11 actions to restore and protect the biological health and diversity of  
12 Puget Sound;

13 (c) While much excellent work has been done around the Puget Sound  
14 to protect and restore its resources, the scale of the efforts is not  
15 yet commensurate with the scale of the challenges, and heightened and  
16 improved efforts are needed if the long-term viability of Puget Sound  
17 is to be ensured;

18 (d) The large number of federal, state, and local governmental  
19 entities that (~~(now)~~) have management, infrastructure, and regulatory  
20 programs and initiatives affecting the water quality of Puget Sound and  
21 its habitats have diverse interests and limited jurisdictions that  
22 (~~(cannot adequately)~~) require coordination to address the cumulative,  
23 wide-ranging impacts that contribute to the degradation of Puget Sound;  
24 and

25 (~~((d))~~) (e) Coordination of (~~(the regulatory)~~) these programs and  
26 initiatives, at the state, federal, and local levels, is best  
27 accomplished through the development of an interagency mechanism(~~(s)~~),  
28 including representatives of local governments within the Puget Sound  
29 basin, that allow these entities to transcend their diverse interests  
30 and limited jurisdictions.

31 (2)(a) It is therefore the policy of the state of Washington to  
32 coordinate the activities of state, federal, and local agencies by  
33 establishing a partnership for Puget Sound with the following goals:  
34 To protect and restore Puget Sound's water quality; to protect and  
35 restore habitat for all native species in Puget Sound; and to protect  
36 the biological resources of Puget Sound and recover species at risk.  
37 The partnership shall develop and update as necessary the Puget Sound  
38 recovery management plan, a comprehensive and inclusive plan for Puget

1 Sound that describes the problems and priority areas for action and  
2 describes the roles and responsibilities of the various federal, state,  
3 and local agencies in undertaking the necessary actions as provided in  
4 section 4 of this act.

5 (b) To implement the plan, the partnership shall develop and  
6 implement a biennial work plan that clearly delineates state and  
7 ((local)) other actions at the level of effort necessary to protect and  
8 restore the biological health and diversity of Puget Sound. It is  
9 further the policy of the state to implement that work plan and the  
10 Puget Sound ((water quality)) recovery management plan to the maximum  
11 extent possible. To further the policy of the state, ((a recovery))  
12 any water quality cleanup plan, fish or wildlife recovery plan, or  
13 other watershed health plan or plans developed under ((the)) federal  
14 ((endangered species act)), state, or local authority for a portion or  
15 all of the Puget Sound shall be considered for inclusion into the Puget  
16 Sound ((water quality)) recovery management plan.

17 **Sec. 3.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read  
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Action team" means the ((Puget Sound water quality action  
22 team)) staff to the partnership.

23 (2) "Chair" means the chair of the partnership, who also serves as  
24 the executive director of the staff of the action team.

25 (3) "Council" means the Puget Sound council created in RCW  
26 90.71.030.

27 (4) "Partnership" means the Puget Sound recovery partnership  
28 described in RCW 90.71.020.

29 (5) "Plan" or "Puget Sound recovery management plan" means the  
30 ((1994)) 2000 Puget Sound water quality management plan ((as it exists  
31 June 30, 1996, and)) described in section 4 of this act, as  
32 subsequently amended by the ((action team)) partnership.

33 ((5) "Support staff" means the staff to the action team.))

34 (6) "Puget Sound" means Puget Sound and related inland marine  
35 waterways including all salt waters of the state of Washington inside  
36 the international boundary line between Washington and British

1 Columbia, and lying east of the junction of the Pacific Ocean and the  
2 Strait of Juan de Fuca.

3 (7) "Work plan" means the work plan and budget developed by the  
4 action team and the partnership.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.71 RCW  
6 to read as follows:

7 (1) The Puget Sound recovery management plan adopted by the  
8 partnership shall be a comprehensive document that describes the  
9 problems and priority areas for action to achieve the goals of the  
10 maintenance and enhancement of Puget Sound water quality, protection  
11 and restoration of habitat, and maintenance of Puget Sound's biological  
12 resources. The plan shall provide a clear and compelling case  
13 statement of the problems affecting Puget Sound's health and the  
14 actions needed to conserve and recover Puget Sound. The plan shall  
15 further describe the roles and responsibilities of the various federal,  
16 state, and local agencies in undertaking the necessary actions. The  
17 plan shall address all the waters of Puget Sound and related inland  
18 marine waters, including portions of the Strait of Juan de Fuca and the  
19 Strait of Georgia within the state, and, to the extent that they affect  
20 water quality and habitat in Puget Sound, all waters flowing into Puget  
21 Sound and related inland marine waters and adjacent lands. The  
22 partnership may define specific geographic boundaries within which the  
23 plan applies. The plan shall coordinate and incorporate existing  
24 planning and research efforts and conservation and recovery initiatives  
25 of state agencies and local government related to Puget Sound, and  
26 shall avoid duplication of existing efforts. The plan shall:

27 (a) Be organized around the long-term goals for Puget Sound of  
28 protecting and restoring Puget Sound's water quality; protecting and  
29 restoring habitat for all native species in Puget Sound; and protecting  
30 the biological resources of Puget Sound and recovering species at risk;

31 (b) Be organized by priority areas for attention and action;

32 (c) Provide detail on the strategies to be used to advance progress  
33 in each priority area, set explicit objectives in each priority area,  
34 and delineate clear and quantifiable measures of success;

35 (d) Include timelines for actions established by the Puget Sound  
36 council as provided in subsection (2) of this section;

1 (e) Assign responsibilities for action in each of the priority  
2 areas to federal, state, local, and tribal governments;

3 (f) Demonstrate a feasible pathway to success in each priority area  
4 within a fifteen-year time frame; and

5 (g) Include by reference all related plans.

6 (2)(a) The council shall work with the partnership to incorporate  
7 into the Puget Sound recovery management plan overall timeline goals  
8 for accomplishing all elements of the plan. Except for conditions that  
9 involve an extraordinary degradation or complexity in restoration, the  
10 goals shall establish a restoration timeline of not more than fifteen  
11 years from the effective date of this section.

12 (b) The council shall also work with the partnership to incorporate  
13 into the plan timeline goals to achieve program and activity levels by  
14 each state agency carrying out responsibilities under the plan  
15 sufficient to maintain Puget Sound water quality and protect and  
16 restore habitat, considering population increases, changes in land use  
17 patterns, and other demographic and natural changes projected for the  
18 Puget Sound region.

19 **Sec. 5.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to read  
20 as follows:

21 (1)(a) The Puget Sound (~~(action team)~~) recovery partnership is  
22 created. The (~~(action team)~~) partnership shall define, coordinate, and  
23 implement the state's conservation and recovery agenda for Puget Sound.  
24 The partnership shall consist of: The directors of the departments of  
25 ecology; agriculture; natural resources; fish and wildlife; and  
26 community, trade, and economic development; the (~~(secretaries)~~)  
27 secretary of the department(~~(s)~~) of health (~~(and transportation; the~~  
28 ~~director of the parks and recreation commission; the director of the~~  
29 ~~interagency committee for outdoor recreation; the administrative~~  
30 ~~officer of the conservation commission designated in RCW 89.08.050; one~~  
31 ~~person)~~); the administrative officer of the conservation commission;  
32 two people representing cities, appointed by the governor; one person  
33 representing special purpose governments, appointed by the governor;  
34 two people representing counties, appointed by the governor; (~~(one~~  
35 ~~person)~~) two people representing federally recognized tribes, appointed  
36 by the governor; and the (~~(chair)~~) executive director of the action  
37 team, who shall also serve as the chair of the partnership.

1 Gubernatorial appointees shall serve two-year terms. In making the  
2 appointments for city, county, and special purpose government  
3 representatives, the governor is encouraged to select individuals with  
4 experience in local government and expertise in the areas of water  
5 quality, habitat, growth management, public health, and transportation,  
6 as they relate to conditions and activities affecting the water quality  
7 and habitat of Puget Sound.

8 (b) The following ad hoc, nonvoting members shall serve on the  
9 partnership: The secretary of the department of transportation, the  
10 director of the parks and recreation commission, the director of the  
11 interagency committee for outdoor recreation, and the chair of the  
12 Puget Sound council.

13 (c) The ~~((action team))~~ partnership shall also ~~((include))~~ invite  
14 the following ex officio nonvoting members, among others as deemed  
15 appropriate in the future: The regional director of the United States  
16 environmental protection agency; the regional administrator of the  
17 national marine fisheries service; ~~((and))~~ the regional supervisor of  
18 the United States fish and wildlife service; the Seattle district  
19 commander of the United States army corps of engineers; the regional  
20 administrator of the United States geological survey; the executive  
21 director of the northwest straits commission; the chair of the Puget  
22 Sound shared strategy; and the executive director of the Hood Canal  
23 coordinating council.

24 (d) The members representing nongovernmental organizations, tribes,  
25 cities ~~((and))~~, counties, and special purpose governments shall each be  
26 reimbursed for travel expenses as provided in RCW 43.03.050 and  
27 43.03.060.

28 (2) The ~~((action team))~~ partnership, operating under direction from  
29 the chair and with administrative support from the action team, shall:

30 (a) Periodically update and amend the Puget Sound recovery  
31 management plan, in consultation with and upon approval of the council;

32 (b) Prepare a Puget Sound work plan and budget ~~((for inclusion in~~  
33 the governor's biennial budget)), in consultation with and upon  
34 approval of the council;

35 ~~((b))~~ (c) Coordinate actions, programs, and initiatives across  
36 and among the partner agencies to achieve the objectives of the plan;

37 (d) Coordinate monitoring and research programs ~~((as provided in~~  
38 RCW 90.71.060));

1       ~~((e))~~ (e) Consult with local governments in implementing the  
2 Puget Sound recovery management plan and biennial work plans, and  
3 prioritize attention by the action team upon assisting local  
4 governments in obtaining state and federal funding for carrying out  
5 local government programs and in effectively coordinating local  
6 government programs with those of neighboring local governments and  
7 state and federal programs;

8       (f) Work ~~((under the direction of))~~ in cooperation with the  
9 ~~((action team))~~ partnership chair ~~((as provided in RCW 90.71.040));~~

10       ~~((d))~~ (g) Coordinate permitting requirements as necessary to  
11 expedite permit issuance for any local watershed plan or habitat plan  
12 developed pursuant to rules adopted under this chapter under chapter  
13 90.82 or 77.85 RCW, or other comprehensive watershed plan developed to  
14 address water quality or habitat protection or restoration;

15       ~~((e))~~ (h) Identify and resolve any policy or rule conflicts that  
16 may exist between one or more agencies represented ~~((on the action~~  
17 ~~team))~~ in the partnership;

18       ~~((f) Periodically amend the Puget Sound management plan;~~

19       ~~(g) Enter into, amend, and terminate contracts with individuals,~~  
20 ~~corporations, or research institutions for the purposes of this~~  
21 ~~chapter;~~

22       ~~(h) Receive such gifts, grants, and endowments, in trust or~~  
23 ~~otherwise, for the use and benefit of the purposes of the action team.~~  
24 ~~The action team may expend the same or any income therefrom according~~  
25 ~~to the terms of the gifts, grants, or endowments;))~~

26       (i) Appoint advisory committees as needed to manage efforts on  
27 particular issues in Puget Sound and to obtain information regarding  
28 conservation efforts around Puget Sound;

29       (j) Promote extensive public participation, and otherwise seek to  
30 broadly disseminate information concerning Puget Sound;

31       ~~((j))~~ (k) Receive and expend funding from other public agencies;  
32 and

33       ~~((k) To reduce costs and improve efficiency, review by December 1,~~  
34 ~~1996, all requirements for reports and documentation from state~~  
35 ~~agencies and local governments specified in the plan for the purpose of~~  
36 ~~eliminating and consolidating reporting requirements; and))~~

37       ~~(l) ((Beginning in December 1998, and every two years thereafter,))~~  
38 Submit a biennial report to the appropriate policy ~~((and fiscal))~~

1 committees of the legislature that provides an update on the overall  
2 health of Puget Sound and describes and evaluates the (~~successes and~~  
3 ~~shortcomings of~~) efforts and actions of the partnership in  
4 implementing the current work plan (~~relative to the priority problems~~  
5 ~~identified for each geographic area of Puget Sound~~) and recommends  
6 responsive actions needed to be taken by the legislature.

7 (3) (~~By July 1, 1996, the action team shall begin developing its~~  
8 ~~initial work plan, which shall include the coordination of necessary~~  
9 ~~support staff~~) The partnership may appoint from among its members an  
10 executive committee to serve as an ongoing management team for the  
11 collaborative work of the partnership.

12 (4) The (~~action team~~) partnership shall incorporate, to the  
13 maximum extent possible, the recommendations of the Puget Sound council  
14 regarding amendments to the Puget Sound management plan and the work  
15 plan.

16 (5) All proceedings of the (~~action team~~) partnership are subject  
17 to the open public meetings act under chapter 42.30 RCW.

18 **Sec. 6.** RCW 90.71.030 and 1999 c 241 s 3 are each amended to read  
19 as follows:

20 (1) There is established the Puget Sound council composed of  
21 (~~eleven~~) thirteen members. (~~Seven~~) Nine members shall be appointed  
22 by the governor. In making these appointments, the governor shall  
23 include representation from business, the environmental community,  
24 agriculture, the shellfish industry, counties, cities, conservation  
25 districts, and the tribes. Two members shall be members of the senate  
26 selected by the president of the senate with one member selected from  
27 each caucus in the senate, and two members shall be members of the  
28 house of representatives selected by the speaker of the house of  
29 representatives with one member selected from each caucus in the house  
30 of representatives. The legislative members shall be nonvoting members  
31 of the council. The executive director of the action team shall be an  
32 ex officio, nonvoting member. Appointments to the council shall  
33 reflect geographical balance and the diversity of population within the  
34 Puget Sound basin. Members shall serve four-year terms. (~~Of the~~  
35 ~~initial members appointed to the council, two shall serve for two~~  
36 ~~years, two shall serve for three years, and two shall serve for four~~  
37 ~~years. Thereafter members shall be appointed to four-year terms.~~)

1 Vacancies shall be filled by appointment in the same manner as the  
2 original appointment for the remainder of the unexpired term of the  
3 position being vacated. Nonlegislative members shall be reimbursed for  
4 travel expenses as provided in RCW 43.03.050 and 43.03.060.  
5 Legislative members shall be reimbursed as provided in RCW 44.04.120.

6 (2) The council shall:

7 (a) Recommend to the (~~action team~~) partnership priorities,  
8 projects, and activities for inclusion in the biennial work plan;

9 (b) Recommend to the (~~action team~~) partnership coordination of  
10 work plan activities with other relevant activities, including but not  
11 limited to, agencies' activities other than those funded through the  
12 plan, (~~local~~) plan (~~initiatives~~) elements being implemented by  
13 local governments, and governmental and nongovernmental watershed  
14 restoration and protection activities; (~~and~~)

15 (c) Recommend to the (~~action team~~) partnership proposed  
16 amendments to the Puget Sound management plan; and

17 (d) Oversee the implementation of the elements of the work plan  
18 that receive funding through appropriations by the legislature, monitor  
19 progress of the partnership agencies in carrying out the work plan, and  
20 produce an annual report to the legislature on progress.

21 (3) (~~The chair of the action team shall convene the council at~~  
22 ~~least four times per year and shall jointly convene the council and the~~  
23 ~~action team at least two times per year~~) The executive director of the  
24 action team shall provide staff support of at least one full-time  
25 equivalent to the council to meet these requirements. The council  
26 shall select a chair from among its voting members who will convene the  
27 council at least four times a year. Two of these meetings shall be  
28 planned in conjunction with the chair of the partnership and shall  
29 coincide with meetings of the partnership. The chair of the council  
30 shall serve a two-year term, renewable for one term if selected by the  
31 council.

32 **Sec. 7.** RCW 90.71.040 and 1996 c 138 s 5 are each amended to read  
33 as follows:

34 (1) (~~By June 1, 1996,~~) The governor shall appoint a person (~~in~~  
35 ~~the governor's office~~) to chair the partnership and serve as the  
36 executive director of the action team. The chair shall serve at the  
37 pleasure of the governor.

1 (2) The chair shall be responsible for:

2 (a) ~~((Organizing))~~ Providing administrative support to the council,  
3 and working with the chair of the council to organize the development  
4 of the council recommendations;

5 (b) ~~((Organizing))~~ Administering all the work of the partnership  
6 described in RCW 90.71.020, including the development of the work plan  
7 required under RCW 90.71.050;

8 (c) Presenting a work plan and budget ~~((recommendations))~~ to the  
9 governor and the legislature;

10 (d) Overseeing the implementation of the elements of the work plan  
11 that receive funding ~~((through appropriations))~~ by the legislature;  
12 ~~((and))~~

13 (e) ~~((Serving as chair of the council.))~~ Entering into, amending,  
14 and terminating contracts and grants with individuals, corporations, or  
15 research institutions for the purposes of this chapter; and

16 (f) Receiving such gifts, grants, and endowments, in trust or  
17 otherwise, for the use and benefit of the purposes of this chapter, and  
18 making expenditures, including any income therefrom, according to the  
19 terms of the gifts, grants, or endowments.

20 (3) The chair of the ~~((action team))~~ partnership shall be a full-  
21 time employee responsible for the administration of all functions of  
22 the partnership, the action team, and the council~~((, including)).~~  
23 Responsibilities include hiring and terminating support staff, budget  
24 preparation, contracting, managing grants, coordinating with the  
25 governor, the legislature, and other state and local entities, and the  
26 delegation of responsibilities as deemed appropriate. The salary of  
27 the chair shall be fixed by the governor, subject to RCW 43.03.040.

28 **Sec. 8.** RCW 90.71.050 and 1998 c 246 s 15 are each amended to read  
29 as follows:

30 (1)(a) Each biennium, the ~~((action team))~~ partnership shall prepare  
31 a Puget Sound work plan and budget for inclusion in the governor's  
32 biennial budget and for submission to the legislature. The work plan  
33 shall ~~((prescribe))~~: (i) Describe the conservation and restoration  
34 priorities in Puget Sound, and (ii) describe the necessary federal,  
35 state, and local actions to maintain and enhance Puget Sound water  
36 quality, ~~((including but not limited to, enhancement of recreational~~  
37 opportunities, and restoration)) protect and restore important habitat,

1 and ensure the viability of a balanced population of indigenous  
2 shellfish, fish, and wildlife. The work plan (~~(and budget)~~) shall  
3 include specific actions and projects pertaining to salmon recovery  
4 plans.

5 (b) In developing a work plan, the (~~(action team)~~) partnership  
6 shall meet the following objectives:

7 (i) Use the plan elements of the Puget Sound management plan to  
8 prioritize (~~(local and)~~) state actions necessary to restore and protect  
9 the biological health and diversity of Puget Sound;

10 (ii) (~~(Consider the problems and priorities identified in local~~  
11 ~~plans)~~) Represent all activities of the state agencies that contribute  
12 to Puget Sound conservation and recovery; and

13 (iii) Coordinate the work plan activities with other relevant  
14 activities, including but not limited to, agencies' activities that  
15 have not been funded through the plan, local plans, and governmental  
16 and nongovernmental watershed restoration activities.

17 (~~(c) In developing a budget, the action team shall identify:~~

18 (i) ~~The total funds to implement local projects originating from~~  
19 ~~the planning process developed for nonpoint pollution; and~~

20 (ii) ~~The total funds to implement any other projects designed~~  
21 ~~primarily to restore salmon habitat.)~~

22 (2) In addition to the requirements identified under RCW  
23 90.71.020(2)(~~(a)~~) (b), the work plan and budget shall:

24 (a) Identify and prioritize (~~(the local and)~~) state actions  
25 necessary to address (~~(the)~~) Puget Sound's water quality problems (~~(in~~  
26 ~~the following locations:~~

27 (i) ~~Area 1: Island and San Juan counties;~~

28 (ii) ~~Area 2: Skagit and Whatcom counties;~~

29 (iii) ~~Area 3: Clallam and Jefferson counties;~~

30 (iv) ~~Area 4: Snohomish, King, and Pierce counties; and~~

31 (v) ~~Area 5: Kitsap, Mason, and Thurston counties;~~

32 (~~Provide sufficient~~), habitat protection and restoration, and  
33 species recovery;

34 (b) Identify funding (~~(to characterize local watersheds, provide~~  
35 ~~technical assistance, and implement state responsibilities identified~~  
36 ~~in the work plan. The number and qualifications of staff assigned to~~  
37 ~~each region shall be determined by the types of problems identified~~

1 ~~pursuant to (a) of this subsection))~~ needed to address high priority  
2 problems;

3 (c) ~~((Provide sufficient))~~ Recommend actions to local governments;

4 (d) Identify funding ~~((to implement))~~ needs for implementation and  
5 ~~((coordinate))~~ coordination of the Puget Sound ambient monitoring plan  
6 pursuant to RCW 90.71.060; and

7 ~~((d) Provide funds to assist local jurisdictions to implement~~  
8 ~~elements of the work plan assigned to local governments and to develop~~  
9 ~~and implement local plans;~~

10 ~~(e) Provide sufficient funding to provide support staff for the~~  
11 ~~action team; and~~

12 ~~(f))~~ (e) Describe any proposed amendments to the Puget Sound  
13 management plan.

14 (3) The work plan shall be submitted to the governor by September  
15 15th of each even-numbered year and to the appropriate policy ~~((and~~  
16 ~~fiscal))~~ committees of the legislature by December 20th of each even-  
17 numbered year.

18 (4) The work plan shall be implemented consistent with the  
19 legislative provisos of the biennial appropriation acts.

20 **Sec. 9.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read  
21 as follows:

22 In addition to other powers and duties specified in this chapter,  
23 the action team and the partnership shall ensure implementation and  
24 coordination of the Puget Sound ambient monitoring program established  
25 in the Puget Sound management plan. The program shall include, at a  
26 minimum:

27 (1) A research program, including but not limited to methods to  
28 provide current research information to managers and scientists, and to  
29 establish priorities based on the needs of the partnership members and  
30 the action team;

31 (2) A monitoring program, including baselines, protocols,  
32 guidelines, and quantifiable performance measures. In consultation  
33 with state agencies, local and tribal governments, and other public and  
34 private interests, the action team, working with the council, shall  
35 develop and track quantifiable performance measures that can be used by  
36 the governor and the legislature to assess the effectiveness over time  
37 of programs and actions initiated under the plan to improve and protect

1 Puget Sound water quality, habitat, and biological resources. ((~~The~~  
2 ~~performance measures shall be developed by June 30, 1997.~~)) The  
3 performance measures shall include, but not be limited to a methodology  
4 to track the progress of: Fish and wildlife habitat; sites with  
5 sediment contamination; wetlands; shellfish beds; and other key  
6 indicators of Puget Sound's health. State agencies shall, and local  
7 governments are encouraged to, assist the action team in the  
8 development and tracking of these performance measures. The  
9 performance measures may be limited to a selected geographic area.

10 NEW SECTION. Sec. 10. A new section is added to chapter 90.71 RCW  
11 to read as follows:

12 The council shall conduct a review of the partnership's biennial  
13 work plan in October of each even-numbered year and shall include a  
14 budget review and recommendation cover letter to the document when it  
15 is presented to the appropriate policy and fiscal committees of the  
16 legislature in December. This letter shall specify, among other items,  
17 the council's recommendations on appropriate allocations among  
18 priorities in the work plan, on the overall levels of funding proposed,  
19 and on their adequacy in meeting the timelines established in section  
20 4 of this act.

21 NEW SECTION. Sec. 11. A new section is added to chapter 90.71 RCW  
22 to read as follows:

23 (1) From moneys specifically appropriated to the partnership for  
24 this purpose, the council shall make the final decision on the award of  
25 grants for implementing programs or activities included within the  
26 Puget Sound recovery management plan. This grant program, to be known  
27 as the Puget Sound recovery grants program, shall be identified in the  
28 council's biennial budget. The budget shall identify activities that  
29 may be funded under the program and carried out by private, public  
30 nonprofit, or governmental entities. The grants shall be awarded on a  
31 competitive basis.

32 (2) It is the intent of this chapter that each biennial operating  
33 appropriations act beginning with the 2005-07 biennium include funding  
34 for this program in an amount of five million dollars or more.

1       **Sec. 12.** RCW 90.71.070 and 1996 c 138 s 8 are each amended to read  
2 as follows:

3       (1) Local governments are (~~required~~) encouraged to implement  
4 local elements of the biennial work plan (~~(subject to the availability~~  
5 ~~of appropriated funds or other funding sources))~~ and management plan.

6       (2) The council shall review the progress of work plan  
7 implementation(~~(. Where prescribed actions have not been accomplished~~  
8 ~~in accordance with the work plan, the))~~ and work cooperatively with  
9 responsible (~~(agency shall submit to the council written explanations~~  
10 ~~for the shortfalls, together with proposed remedies))~~ local governments  
11 and state agencies to address delays or shortfalls in plan  
12 implementation.

13       **Sec. 13.** RCW 90.71.080 and 1996 c 138 s 9 are each amended to read  
14 as follows:

15       The chairs of the (~~action team~~) partnership and council shall  
16 jointly hold public hearings to solicit public comment on the work  
17 plan.

18       **Sec. 14.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read  
19 as follows:

20       (1) The action team shall establish a shellfish - on-site sewage  
21 grant program in Puget Sound and for Pacific and Grays Harbor counties.  
22 The action team shall provide funds to local health jurisdictions to be  
23 used as grants to individuals for improving their on-site sewage  
24 systems. The grants may be provided only in areas that have the  
25 potential to adversely affect water quality in commercial and  
26 recreational shellfish growing areas. A recipient of a grant shall  
27 enter into an agreement with the appropriate local health jurisdiction  
28 to maintain the improved on-site sewage system according to  
29 specifications required by the local health jurisdiction. The action  
30 team shall work closely with local health jurisdictions and shall  
31 endeavor to attain geographic equity between Willapa Bay and the Puget  
32 Sound when making funds available under this program. For the purposes  
33 of this subsection, "geographic equity" means issuing on-site sewage  
34 grants at a level that matches the funds generated from the oyster  
35 reserve lands in that area.

1 (2) In the Puget Sound, the action team shall give first priority  
2 to areas that are:

3 (a) Identified as "areas of special concern" under WAC 246-272-  
4 01001; or

5 (b) Included within a shellfish protection district under chapter  
6 90.72 RCW.

7 (3) In Grays Harbor and Pacific counties, the action team shall  
8 give first priority to preventing the deterioration of water quality in  
9 areas where commercial or recreational shellfish are grown.

10 (4) The action team and each participating local health  
11 jurisdiction shall enter into a memorandum of understanding that will  
12 establish an applicant income eligibility requirement for individual  
13 grant applicants from within the jurisdiction and other mutually  
14 agreeable terms and conditions of the grant program.

15 (5) The action team may recover the costs to administer this  
16 program not to exceed ten percent of the shellfish - on-site sewage  
17 grant program.

18 ~~((6) For the 2001-2003 biennium, the action team may use up to  
19 fifty percent of the shellfish on-site sewage grant program funds for  
20 grants to local health jurisdictions to establish areas of special  
21 concern under WAC 246-272-01001, or for operation and maintenance  
22 programs therein, where commercial and recreational uses are present.))~~

23 **Sec. 15.** RCW 90.71.900 and 1996 c 138 s 15 are each amended to  
24 read as follows:

25 This ~~((act))~~ chapter may be known and cited as the Puget Sound  
26 ~~((water quality protection))~~ recovery partnership act.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 90.71 RCW  
28 to read as follows:

29 All references to the chair of the action team or the action team  
30 in the Revised Code of Washington shall be construed to mean the chair  
31 of the partnership, who is also the executive director of the action  
32 team, when referring to the functions transferred in this section.

33 **Sec. 17.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to  
34 read as follows:

35 (1) The sea grant and cooperative extension shall jointly

1 administer a program to provide field agents to work with local  
2 governments, property owners, and the general public to increase the  
3 propagation of shellfish, and to address Puget Sound water quality  
4 problems within Kitsap, Mason, and Jefferson counties that may limit  
5 shellfish propagation potential. The sea grant and cooperative  
6 extension shall each make available the services of no less than two  
7 agents within these counties for the purposes of this section.

8 (2) The responsibilities of the field agents shall include but not  
9 be limited to the following:

10 (a) Provide technical assistance to property owners, marine  
11 industry owners and operators, and others, regarding methods and  
12 practices to address nonpoint and point sources of pollution of Puget  
13 Sound;

14 (b) Provide technical assistance to address water quality problems  
15 limiting opportunities for enhancing the recreational harvest of  
16 shellfish;

17 (c) Provide technical assistance in the management and increased  
18 production of shellfish to facility operators or to those interested in  
19 establishing an operation;

20 (d) Assist local governments to develop and implement education and  
21 public involvement activities related to Puget Sound water quality;

22 (e) Assist in coordinating local water quality programs with  
23 region-wide and statewide programs;

24 (f) Provide information and assistance to local watershed  
25 committees.

26 (3) The sea grant and cooperative extension shall mutually  
27 coordinate their field agent activities to avoid duplicative efforts  
28 and to ensure that the full range of responsibilities under RCW  
29 28B.30.632 (~~through 28B.30.636~~) and 28B.30.634 are carried out. They  
30 shall consult with the Puget Sound (~~water quality authority~~) recovery  
31 partnership and ensure consistency with the authority's water quality  
32 management plan.

33 (4) Recognizing the special expertise of both agencies, the sea  
34 grant and cooperative extension shall cooperate to divide their  
35 activities as follows:

36 (a) Sea grant shall have primary responsibility to address water  
37 quality issues related to activities within Puget Sound, and to provide

1 assistance regarding the management and improvement of shellfish  
2 production; and

3 (b) Cooperative extension shall have primary responsibility to  
4 address upland and freshwater activities affecting Puget Sound water  
5 quality and associated watersheds.

6 **Sec. 18.** RCW 43.63A.247 and 1994 c 264 s 25 are each amended to  
7 read as follows:

8 The senior environmental corps is created within the department of  
9 community, trade, and economic development. The departments of  
10 agriculture, community, trade, and economic development, employment  
11 security, ecology, fish and wildlife, health, and natural resources,  
12 the parks and recreation commission, and the Puget Sound (~~water~~  
13 ~~quality authority~~) recovery partnership shall participate in the  
14 administration and implementation of the corps and shall appoint  
15 representatives to the council.

16 **Sec. 19.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to  
17 read as follows:

18 The department may not use funds appropriated to implement an  
19 element of the Puget Sound (~~water quality authority~~) recovery  
20 partnership work plan to conduct any activity required under chapter  
21 281, Laws of 1994.

22 **Sec. 20.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
23 read as follows:

24 (1) When making grants or loans for water pollution control  
25 facilities, the department shall consider the following:

26 (a) The protection of water quality and public health;

27 (b) The cost to residential ratepayers if they had to finance water  
28 pollution control facilities without state assistance;

29 (c) Actions required under federal and state permits and compliance  
30 orders;

31 (d) The level of local fiscal effort by residential ratepayers  
32 since 1972 in financing water pollution control facilities;

33 (e) The extent to which the applicant county or city, or if the  
34 applicant is another public body, the extent to which the county or  
35 city in which the applicant public body is located, has established

1 programs to mitigate nonpoint pollution of the surface or subterranean  
2 water sought to be protected by the water pollution control facility  
3 named in the application for state assistance; and

4 (f) The recommendations of the Puget Sound (~~(action team)~~) recovery  
5 partnership and any other board, council, commission, or group  
6 established by the legislature or a state agency to study water  
7 pollution control issues in the state.

8 (2) Except where necessary to address a public health need or  
9 substantial environmental degradation, a county, city, or town planning  
10 under RCW 36.70A.040 may not receive a grant or loan for water  
11 pollution control facilities unless it has adopted a comprehensive  
12 plan, including a capital facilities plan element, and development  
13 regulations as required by RCW 36.70A.040. This subsection does not  
14 require any county, city, or town planning under RCW 36.70A.040 to  
15 adopt a comprehensive plan or development regulations before requesting  
16 or receiving a grant or loan under this chapter if such request is made  
17 before the expiration of the time periods specified in RCW 36.70A.040.  
18 A county, city, or town planning under RCW 36.70A.040 which has not  
19 adopted a comprehensive plan and development regulations within the  
20 time periods specified in RCW 36.70A.040 is not prohibited from  
21 receiving a grant or loan under this chapter if the comprehensive plan  
22 and development regulations are adopted as required by RCW 36.70A.040  
23 before submitting a request for a grant or loan.

24 (3) Whenever the department is considering awarding grants or loans  
25 for public facilities to special districts requesting funding for a  
26 proposed facility located in a county, city, or town planning under RCW  
27 36.70A.040, it shall consider whether the county, city, or town  
28 planning under RCW 36.70A.040 in whose planning jurisdiction the  
29 proposed facility is located has adopted a comprehensive plan and  
30 development regulations as required by RCW 36.70A.040.

31 **Sec. 21.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read  
32 as follows:

33 (1) The aquatic nuisance species committee is created for the  
34 purpose of fostering state, federal, tribal, and private cooperation on  
35 aquatic nuisance species issues. The mission of the committee is to  
36 minimize the unauthorized or accidental introduction of nonnative  
37 aquatic species and give special emphasis to preventing the

1 introduction and spread of aquatic nuisance species. The term "aquatic  
2 nuisance species" means a nonnative aquatic plant or animal species  
3 that threatens the diversity or abundance of native species, the  
4 ecological stability of infested waters, or commercial, agricultural,  
5 or recreational activities dependent on such waters.

6 (2) The committee consists of representatives from each of the  
7 following state agencies: Department of fish and wildlife, department  
8 of ecology, department of agriculture, department of health, department  
9 of natural resources, Puget Sound (~~water quality action team~~)  
10 recovery partnership, state patrol, state noxious weed control board,  
11 and Washington sea grant program. The committee shall encourage and  
12 solicit participation by: Federally recognized tribes of Washington,  
13 federal agencies, Washington conservation organizations, environmental  
14 groups, and representatives from industries that may either be affected  
15 by the introduction of an aquatic nuisance species or that may serve as  
16 a pathway for their introduction.

17 (3) The committee has the following duties:

18 (a) Periodically revise the state of Washington aquatic nuisance  
19 species management plan, originally published in June 1998;

20 (b) Make recommendations to the legislature on statutory provisions  
21 for classifying and regulating aquatic nuisance species;

22 (c) Recommend to the state noxious weed control board that a plant  
23 be classified under the process designated by RCW 17.10.080 as an  
24 aquatic noxious weed;

25 (d) Coordinate education, research, regulatory authorities,  
26 monitoring and control programs, and participate in regional and  
27 national efforts regarding aquatic nuisance species;

28 (e) Consult with representatives from industries and other  
29 activities that may serve as a pathway for the introduction of aquatic  
30 nuisance species to develop practical strategies that will minimize the  
31 risk of new introductions; and

32 (f) Prepare a biennial report to the legislature with the first  
33 report due by December 1, 2001, making recommendations for better  
34 accomplishing the purposes of this chapter, and listing the  
35 accomplishments of this chapter to date.

36 (4) The committee shall accomplish its duties through the authority  
37 and cooperation of its member agencies. Implementation of all plans

1 and programs developed by the committee shall be through the member  
2 agencies and other cooperating organizations.

3 **Sec. 22.** RCW 77.85.210 and 2001 c 298 s 3 are each amended to read  
4 as follows:

5 (1) The monitoring oversight committee is hereby established. The  
6 committee shall be comprised of the directors or their designated  
7 representatives of:

- 8 (a) The salmon recovery office;
- 9 (b) The department of ecology;
- 10 (c) The department of fish and wildlife;
- 11 (d) The conservation commission;
- 12 (e) The Puget Sound (~~(action team)~~) recovery partnership;
- 13 (f) The department of natural resources;
- 14 (g) The department of transportation; and
- 15 (h) The interagency committee for outdoor recreation.

16 (2) The director of the salmon recovery office and the chair of the  
17 salmon recovery funding board, or their designees, shall cochair the  
18 committee. The cochairs shall convene the committee as necessary to  
19 develop, for the consideration of the governor and legislature, a  
20 comprehensive and coordinated monitoring strategy and action plan on  
21 watershed health with a focus on salmon recovery. The committee shall  
22 invite representation from the treaty tribes to participate in the  
23 committee's efforts. In addition, the committee shall invite  
24 participation by other state, local, and federal agencies and other  
25 entities as appropriate. The committee shall address the monitoring  
26 recommendations of the independent science panel provided under RCW  
27 77.85.040(7) and of the joint legislative audit and review committee in  
28 its report number 01-1 on investing in the environment.

29 (3) The independent science panel shall act as an advisor to the  
30 monitoring oversight committee and shall review all work products  
31 developed by the committee and make recommendations to the committee  
32 cochairs.

33 (4) A legislative steering committee is created consisting of four  
34 legislators. Two of the legislators shall be members of the house of  
35 representatives, each representing different major political parties,  
36 appointed by the co-speakers of the house of representatives. The  
37 other two legislators shall be members of the senate, each representing

1 different major political parties, appointed by the president of the  
2 senate. The monitoring oversight committee shall provide briefings to  
3 the legislative steering committee on a quarterly basis on the progress  
4 that the oversight committee is making on the development of the  
5 coordinated monitoring strategy and action plan, and the establishment  
6 of an adaptive management framework. The briefings shall include  
7 information on how the monitoring strategy will be coordinated with  
8 other government efforts, expected benefits and efficiencies that will  
9 be achieved, recommended funding sources and funding levels that will  
10 ensure stable sources of funding for monitoring, and the efforts and  
11 cooperation provided by agencies to improve coordination of their  
12 activities.

13 (5) The committee shall make recommendations to individual agencies  
14 to improve coordination of monitoring activities.

15 (6) The committee shall:

16 (a) Define the monitoring goals, objectives, and questions that  
17 must be addressed as part of a comprehensive statewide salmon recovery  
18 monitoring and adaptive management framework;

19 (b) Identify and evaluate existing monitoring activities for  
20 inclusion in the framework, while ensuring data consistency and  
21 coordination and the filling of monitoring gaps;

22 (c) Recommend statistical designs appropriate to the objectives;

23 (d) Recommend performance measures appropriate to the objectives  
24 and targeted to the appropriate geographical, temporal, and biological  
25 scales;

26 (e) Recommend standardized monitoring protocols for salmon recovery  
27 and watershed health;

28 (f) Recommend procedures to ensure quality assurance and quality  
29 control of all relevant data;

30 (g) Recommend data transfer protocols to support easy access,  
31 sharing, and coordination among different collectors and users;

32 (h) Recommend ways to integrate monitoring information into  
33 decision making;

34 (i) Recommend organizational and governance structures for  
35 oversight and implementation of the coordinated monitoring framework;

36 (j) Recommend stable sources of funding that will ensure the  
37 continued operation and maintenance of the state's salmon recovery and  
38 watershed health monitoring programs, once established; and

1 (k) Identify administrative actions that will be undertaken by  
2 state agencies to implement elements of the coordinated monitoring  
3 program.

4 (7) In developing the coordinated monitoring strategy, the  
5 committee shall coordinate with other appropriate state, federal,  
6 local, and tribal monitoring efforts, including but not limited to the  
7 Northwest power planning council, the Northwest Indian fisheries  
8 commission, the national marine fisheries service, and the United  
9 States fish and wildlife service. The committee shall also consult  
10 with watershed planning units under chapter 90.82 RCW, lead entities  
11 under this chapter, professional organizations, and other appropriate  
12 groups.

13 (8) The cochairs shall provide an interim report to the governor  
14 and the members of the appropriate legislative committees by March 1,  
15 2002, on the progress made in implementing this section. By December  
16 1, 2002, the committee shall provide a monitoring strategy and action  
17 plan to the governor, and the members of the appropriate legislative  
18 committees for achieving a comprehensive watershed health monitoring  
19 program with a focus on salmon recovery. The strategy and action plan  
20 shall document the results of the committee's actions in addressing the  
21 responsibilities described in subsection (6) of this section. In  
22 addition, the monitoring strategy and action plan shall include an  
23 assessment of existing state agency operations related to monitoring,  
24 evaluation, and adaptive management of watershed health and salmon  
25 recovery, and shall recommend any operational or statutory changes and  
26 funding necessary to fully implement the enhanced coordination program  
27 developed under this section. The plan shall make recommendations  
28 based upon the goal of fully realizing an enhanced and coordinated  
29 monitoring program by June 30, 2007.

30 **Sec. 23.** RCW 79.90.550 and 1987 c 259 s 1 are each amended to read  
31 as follows:

32 The legislature finds that the department of natural resources  
33 provides, manages, and monitors aquatic land disposal sites on state-  
34 owned aquatic lands for materials dredged from rivers, harbors, and  
35 shipping lanes. These disposal sites are approved through a  
36 cooperative planning process by the departments of natural resources  
37 and ecology, the United States corps of engineers, and the United

1 States environmental protection agency in cooperation with the Puget  
2 Sound (~~(water quality authority)~~) recovery partnership. These disposal  
3 sites are essential to the commerce and well being of the citizens of  
4 the state of Washington. Management and environmental monitoring of  
5 these sites are necessary to protect environmental quality and to  
6 assure appropriate use of state-owned aquatic lands. The creation of  
7 an aquatic land dredged material disposal site account is a reasonable  
8 means to enable and facilitate proper management and environmental  
9 monitoring of these disposal sites.

10 **Sec. 24.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to  
11 read as follows:

12 The legislature finds that the waters of Washington state provide  
13 a unique and valuable recreational resource to large and growing  
14 numbers of boaters. Proper stewardship of, and respect for, these  
15 waters requires that, while enjoying them for their scenic and  
16 recreational benefits, boaters must exercise care to assure that such  
17 activities do not contribute to the despoliation of these waters, and  
18 that watercraft be operated in a safe and responsible manner. The  
19 legislature has specifically addressed the topic of access to clean and  
20 safe waterways by requiring the 1987 boating safety study and by  
21 establishing the Puget Sound (~~(action team)~~) recovery partnership.

22 The legislature finds that there is a need to educate Washington's  
23 boating community about safe and responsible actions on our waters and  
24 to increase the level and visibility of the enforcement of boating  
25 laws. To address the incidence of fatalities and injuries due to  
26 recreational boating on our state's waters, local and state efforts  
27 directed towards safe boating must be stimulated. To provide for safe  
28 waterways and public enjoyment, portions of the watercraft excise tax  
29 and boat registration fees should be made available for boating safety  
30 and other boating recreation purposes.

31 In recognition of the need for clean waterways, and in keeping with  
32 the Puget Sound action team's water quality work plan, the legislature  
33 finds that adequate opportunities for responsible disposal of boat  
34 sewage must be made available. There is hereby established a five-year  
35 initiative to install sewage pumpout or sewage dump stations at  
36 appropriate marinas.

1 To assure the use of these sewage facilities, a boater  
2 environmental education program must accompany the five-year initiative  
3 and continue to educate boaters about boat wastes and aquatic  
4 resources.

5 The legislature also finds that, in light of the increasing numbers  
6 of boaters utilizing state waterways, a program to acquire and develop  
7 sufficient waterway access facilities for boaters must be undertaken.

8 To support boating safety, environmental protection and education,  
9 and public access to our waterways, the legislature declares that a  
10 portion of the income from boating-related activities, as specified in  
11 RCW 82.49.030 and 88.02.040, should support these efforts.

12 **Sec. 25.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to  
13 read as follows:

14 The commission, in consultation with the departments of ecology,  
15 fish and wildlife, natural resources, social and health services, and  
16 the Puget Sound (~~(action team)~~) recovery partnership shall conduct a  
17 literature search and analyze pertinent studies to identify areas which  
18 are polluted or environmentally sensitive within the state's waters.  
19 Based on this review the commission shall designate appropriate areas  
20 as polluted or environmentally sensitive, for the purposes of chapter  
21 393, Laws of 1989 only.

22 **Sec. 26.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read  
23 as follows:

24 The department of ecology is hereby designated as the State Water  
25 Pollution Control Agency for all purposes of the federal clean water  
26 act as it exists on February 4, 1987, and is hereby authorized to  
27 participate fully in the programs of the act as well as to take all  
28 action necessary to secure to the state the benefits and to meet the  
29 requirements of that act. With regard to the national estuary program  
30 established by section 320 of that act, the department shall exercise  
31 its responsibility jointly with the Puget Sound (~~(water quality  
32 authority)~~) recovery partnership. The department of ecology may  
33 delegate its authority under this chapter, including its national  
34 pollutant discharge elimination permit system authority and duties  
35 regarding animal feeding operations and concentrated animal feeding  
36 operations, to the department of agriculture through a memorandum of

1 understanding. Until any such delegation receives federal approval,  
2 the department of agriculture's adoption or issuance of animal feeding  
3 operation and concentrated animal feeding operation rules, permits,  
4 programs, and directives pertaining to water quality shall be  
5 accomplished after reaching agreement with the director of the  
6 department of ecology. Adoption or issuance and implementation shall  
7 be accomplished so that compliance with such animal feeding operation  
8 and concentrated animal feeding operation rules, permits, programs, and  
9 directives will achieve compliance with all federal and state water  
10 pollution control laws. The powers granted herein include, among  
11 others, and notwithstanding any other provisions of chapter 90.48 RCW  
12 or otherwise, the following:

13 (1) Complete authority to establish and administer a comprehensive  
14 state point source waste discharge or pollution discharge elimination  
15 permit program which will enable the department to qualify for full  
16 participation in any national waste discharge or pollution discharge  
17 elimination permit system and will allow the department to be the sole  
18 agency issuing permits required by such national system operating in  
19 the state of Washington subject to the provisions of RCW 90.48.262(2).  
20 Program elements authorized herein may include, but are not limited to:  
21 (a) Effluent treatment and limitation requirements together with timing  
22 requirements related thereto; (b) applicable receiving water quality  
23 standards requirements; (c) requirements of standards of performance  
24 for new sources; (d) pretreatment requirements; (e) termination and  
25 modification of permits for cause; (f) requirements for public notices  
26 and opportunities for public hearings; (g) appropriate relationships  
27 with the secretary of the army in the administration of his  
28 responsibilities which relate to anchorage and navigation, with the  
29 administrator of the environmental protection agency in the performance  
30 of his duties, and with other governmental officials under the federal  
31 clean water act; (h) requirements for inspection, monitoring, entry,  
32 and reporting; (i) enforcement of the program through penalties,  
33 emergency powers, and criminal sanctions; (j) a continuing planning  
34 process; and (k) user charges.

35 (2) The power to establish and administer state programs in a  
36 manner which will insure the procurement of moneys, whether in the form  
37 of grants, loans, or otherwise; to assist in the construction,

1 operation, and maintenance of various water pollution control  
2 facilities and works; and the administering of various state water  
3 pollution control management, regulatory, and enforcement programs.

4 (3) The power to develop and implement appropriate programs  
5 pertaining to continuing planning processes, area-wide waste treatment  
6 management plans, and basin planning.

7 The governor shall have authority to perform those actions required  
8 of him or her by the federal clean water act.

--- END ---