
HOUSE BILL 3279

State of Washington

60th Legislature

2008 Regular Session

By Representatives Kretz and Chandler

1 AN ACT Relating to ensuring that Puget Sound partner designation is
2 not achieved by undeserving entities; amending RCW 90.71.340; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that many sewage
6 treatment facilities in the Puget Sound watershed manage excess
7 capacity not by building extra containment facilities or minimizing
8 passive introductions, but by allowing raw and untreated human sewage
9 and storm drain collections to flow directly into the Puget Sound.
10 This practice, although destructive to the Puget Sound's ecosystem, is
11 a legal activity and an accepted practice under the national pollution
12 discharge elimination system permit held by most sewage treatment
13 facilities.

14 (2) The legislature further finds that recent years have brought
15 with them significant investments in the health of Puget Sound, both by
16 the state, federal government, tribal governments, nonprofit
17 organizations, and the business community. These investments have come
18 in the form of policy initiatives, financial contributions, and
19 countless hours of volunteer labor.

1 (3) The legislature further finds that although sewage treatment
2 facilities may be technically allowed to discharge untreated sewage
3 into the Puget Sound, that does not mean that the entities responsible
4 for the facilities should be entitled to receive recognition as a Puget
5 Sound partner, and the benefits that come with the designation, while
6 actively embracing policies that result in a significant undermining of
7 the investments made to restore the health of Puget Sound.

8 (4) Therefore, it is the intent of the legislature to avoid the
9 creation of a mechanism that rewards sewage treatment facilities for
10 operating in a way that is destructive to the health of Puget Sound,
11 and to send a strong message to sewage treatment facilities that there
12 is a difference between how they are legally permitted to operate and
13 how they should choose to operate as good neighbors to a treasured and
14 imperiled aquatic ecosystem.

15 **Sec. 2.** RCW 90.71.340 and 2007 c 341 s 16 are each amended to read
16 as follows:

17 (1) The legislature intends that fiscal incentives and
18 disincentives be used as accountability measures designed to achieve
19 consistency with the action agenda by:

20 (a) Ensuring that projects and activities in conflict with the
21 action agenda are not funded;

22 (b) Aligning environmental investments with strategic priorities of
23 the action agenda; and

24 (c) Using state grant and loan programs to encourage consistency
25 with the action agenda.

26 (2) The council shall adopt measures to ensure that funds
27 appropriated for implementation of the action agenda and identified by
28 proviso or specifically referenced in the omnibus appropriations act
29 pursuant to RCW 43.88.030(1)(g) are expended in a manner that will
30 achieve the intended results. In developing such performance measures,
31 the council shall establish criteria for the expenditure of the funds
32 consistent with the responsibilities and timelines under the action
33 agenda, and require reporting and tracking of funds expended. The
34 council may adopt other measures, such as requiring interagency
35 agreements regarding the expenditure of provisoed or specifically
36 referenced Puget Sound funds.

1 (3) The partnership shall work with other state agencies providing
2 grant and loan funds or other financial assistance for projects and
3 activities that impact the health of the Puget Sound ecosystem under
4 chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and
5 90.50A RCW to, within the authorities of the programs, develop
6 consistent funding criteria that prohibits funding projects and
7 activities that are in conflict with the action agenda.

8 (4)(a)(i) The partnership shall develop a process and criteria by
9 which entities that consistently achieve outstanding progress in
10 implementing the action agenda are designated as Puget Sound partners.

11 (ii) No public entity may be named a Puget Sound partner if that
12 entity operates a sewage treatment system and:

13 (A) Has as a condition of its national pollution discharge
14 elimination system permit, or other government approval of its
15 operations, a provision to discharge untreated sewage into the Puget
16 Sound during storm events; and

17 (B) Has actually discharged more than one million gallons of
18 untreated sewage in any one hour, either lawfully or unlawfully, into
19 the Puget Sound within the previous five years.

20 (b) State agencies shall work with the partnership to revise their
21 grant, loan, or other financial assistance allocation criteria to
22 create a preference for entities designated as Puget Sound partners for
23 funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070,
24 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520,
25 and 90.50A.040. This process shall be developed on a timeline that
26 takes into consideration state grant and loan funding cycles.

27 (5) Any entity that receives state funds to implement actions
28 required in the action agenda shall report biennially to the council on
29 progress in completing the action and whether expected results have
30 been achieved within the time frames specified in the action agenda.

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