

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6607

Chapter 250, Laws of 2008

60th Legislature
2008 Regular Session

SHELLFISH PROTECTION DISTRICTS--WASTEWATER DISCHARGE FEES

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 10, 2008
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2008
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 28, 2008, 11:28 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6607** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 28, 2008

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6607

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington **60th Legislature** **2008 Regular Session**

By Senate Water, Energy & Telecommunications (originally sponsored by Senators Spanel, Haugen, and Rasmussen)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to shellfish protection district wastewater
2 discharge fees, rates, and charges; and amending RCW 90.72.030,
3 90.72.045, and 90.72.070.

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

5 **Sec. 1.** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read
6 as follows:

7 The legislative authority of each county having shellfish tidelands
8 within its boundaries is authorized to establish a shellfish protection
9 district to include areas in which nonpoint pollution threatens the
10 water quality upon which the continuation or restoration of shellfish
11 farming or harvesting is dependent. The legislative authority shall
12 constitute the governing body of the district and shall adopt a
13 shellfish protection program with elements and activities to be
14 effective within the district. The legislative authority may appoint
15 a local advisory council to advise the legislative authority in
16 preparation and implementation of shellfish protection programs. This
17 program shall include any elements deemed appropriate to deal with the
18 nonpoint pollution threatening water quality over shellfish tidelands,
19 including, but not limited to, requiring the elimination or decrease of

1 contaminants in storm water runoff, establishing monitoring,
2 inspection, and repair elements to ensure that on-site sewage systems
3 are adequately maintained and working properly, assuring that animal
4 grazing and manure management practices are consistent with best
5 management practices, and establishing educational and public
6 involvement programs to inform citizens on the causes of the
7 threatening nonpoint pollution and what they can do to decrease the
8 amount of such pollution. The county legislative authority shall
9 consult with the department of health, the department of ecology, the
10 department of agriculture, or the conservation commission as
11 appropriate as to the elements of the program. An element may be
12 omitted where another program is effectively addressing those sources
13 of nonpoint water pollution. Within the limits of RCW 90.72.040 and
14 90.72.070, the county legislative authority shall have full
15 jurisdiction and authority to manage, regulate, and control its
16 programs and to fix, alter, regulate, and control the fees for services
17 provided and charges or rates as provided under those programs.
18 Programs established under this chapter, may, but are not required to,
19 be part of a system of sewerage as defined in RCW 36.94.010.

20 **Sec. 2.** RCW 90.72.045 and 2007 c 150 s 2 are each amended to read
21 as follows:

22 The county legislative authority shall create a shellfish
23 protection district and establish a shellfish protection program
24 developed under RCW 90.72.030 or an equivalent program to address the
25 causes or suspected causes of pollution within one hundred eighty days
26 after the department of health, because of water quality degradation
27 due to ongoing nonpoint sources of pollution has closed or downgraded
28 the classification of a recreational or commercial shellfish growing
29 area within the boundaries of the county. The county legislative
30 authority shall initiate implementation of the shellfish protection
31 program within sixty days after it is established.

32 A copy of the program must be provided to the departments of
33 health, ecology, and agriculture. An agency that has regulatory
34 authority for any of the sources of nonpoint pollution covered by the
35 program shall cooperate with the county in its implementation. The
36 county legislative authority shall submit a written report to the
37 department of health annually that describes the status and progress of

1 the program. If rates or fees are collected under RCW 90.72.070 for
2 implementation of the shellfish protection district program, the annual
3 report shall provide sufficient detail of the expenditure of the
4 revenue collected to ensure compliance with RCW 90.72.070.

5 **Sec. 3.** RCW 90.72.070 and 1992 c 100 s 6 are each amended to read
6 as follows:

7 The county legislative authority establishing a shellfish
8 protection district may finance the protection program through (1)
9 county tax revenues, (2) reasonable inspection fees and similar fees
10 for services provided, (3) reasonable charges or rates specified in its
11 protection program, or (4) federal, state, or private grants.
12 (~~Confined animal feeding operations subject to the national pollutant~~
13 ~~discharge elimination system and implementing regulations shall not be~~
14 ~~subject to fees, rates, or charges by a shellfish protection~~
15 ~~district.)) A dairy animal feeding operation with a certified dairy
16 nutrient management plan as required in chapter 90.64 RCW and any other
17 commercial agricultural operation on agricultural lands as defined in
18 RCW 36.70A.030 shall be subject to fees, rates, or charges by a
19 shellfish protection district of no more than five hundred dollars in
20 a calendar year. Facilities permitted and assessed fees for wastewater
21 discharge under the national pollutant discharge elimination system
22 shall not be subject to fees, rates, or charges for wastewater
23 discharge by a shellfish protection district. Lands classified as
24 forest land under chapter 84.33 RCW and timber land under chapter 84.34
25 RCW shall not be subject to fees, rates, or charges by a shellfish
26 protection district. Counties may collect charges or rates in the
27 manner determined by the county legislative authority.~~

Passed by the Senate March 10, 2008.

Passed by the House March 5, 2008.

Approved by the Governor March 28, 2008.

Filed in Office of Secretary of State March 28, 2008.