
ENGROSSED HOUSE BILL 2636

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Smith, Tarleton, and Morrell; by request of
Department of Ecology

Read first time 01/23/14. Referred to Committee on Environment.

1 AN ACT Relating to streamlining statutorily required environmental
2 reports by government entities; amending RCW 70.93.200, 70.93.220,
3 70.93.250, 70.94.162, 70.95.530, 70.95J.025, 70.120A.050, 90.42.130,
4 90.44.052, 90.48.545, 90.80.150, and 90.82.043; reenacting and amending
5 RCW 43.21A.667; and repealing RCW 70.95.545, 70.120A.040, and
6 90.80.901.

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

8 **Sec. 1.** RCW 43.21A.667 and 2011 c 171 s 7, 2011 c 169 s 2, and
9 2011 c 5 s 908 are each reenacted and amended to read as follows:

10 (1) The aquatic algae control account is created in the state
11 treasury. Moneys directed to the account from RCW 88.02.640 must be
12 deposited in the account. Expenditures from the account may only be
13 used as provided in this section. Moneys in the account may be spent
14 only after appropriation.

15 (2) Funds in the aquatic algae control account may be appropriated
16 to the department to develop a freshwater and saltwater aquatic algae
17 control program and may be used to establish contingency funds for
18 emergent issues. Funds must be expended as follows:

1 (a) As grants to cities, counties, tribes, special purpose
2 districts, and state agencies: (i) To manage excessive freshwater and
3 saltwater nuisance algae, with priority for the treatment of lakes in
4 which harmful algal blooms have occurred within the past three years;
5 and (ii) for freshwater and saltwater nuisance algae monitoring and
6 removal; and

7 (b) To provide technical assistance to applicants and the public
8 about aquatic algae control(~~(; and~~

9 ~~(c) During the 2009-2011 fiscal biennium, the legislature may~~
10 ~~transfer from the freshwater aquatic algae control account to the state~~
11 ~~general fund such amounts as reflect the excess fund balance of the~~
12 ~~account)).~~

13 (3) ~~((The department shall submit a biennial report to the~~
14 ~~appropriate legislative committees describing the actions taken to~~
15 ~~implement this section along with suggestions on how to better fulfill~~
16 ~~the intent of chapter 464, Laws of 2005. The first report is due~~
17 ~~December 1, 2007.~~

18 ~~(4))~~) For the purposes of this section, "saltwater nuisance algae"
19 means native invasive algae (sea lettuce), nonnative invasive algae,
20 and algae producing harmful toxins.

21 **Sec. 2.** RCW 70.93.200 and 1998 c 257 s 8 are each amended to read
22 as follows:

23 In addition to the foregoing, the department of ecology shall:

24 (1) Serve as the coordinating agency between the various industry
25 organizations seeking to aid in the waste reduction, anti-litter, and
26 recycling efforts;

27 (2) Serve as the coordinating and administrating agency for all
28 state agencies and local governments receiving funds for waste
29 reduction, litter control, and recycling under this chapter;

30 (3) Recommend to the governing bodies of all local governments that
31 they adopt ordinances similar to the provisions of this chapter;

32 (4) Cooperate with all local governments to accomplish coordination
33 of local waste reduction, anti-litter, and recycling efforts;

34 (5) Encourage, organize, and coordinate all voluntary local waste
35 reduction, anti-litter, and recycling campaigns seeking to focus the
36 attention of the public on the programs of this state to reduce waste,
37 control and remove litter, and foster recycling;

1 (6) Investigate the availability of, and apply for funds available
2 from any private or public source to be used in the program outlined in
3 this chapter;

4 (7) Develop statewide programs by working with local governments,
5 payers of the waste reduction, recycling, and litter control tax, and
6 industry organizations that are active in waste reduction, anti-litter,
7 and recycling efforts to increase public awareness of and participation
8 in recycling and to stimulate and encourage local private recycling
9 centers, public participation in recycling and research and development
10 in the field of litter control, and recycling, removal, and disposal of
11 litter-related recycling materials;

12 (8) Conduct a (~~biennial~~) periodic statewide litter survey
13 targeted at litter composition, sources, demographics, and geographic
14 trends; and

15 (9) Provide on the department's web site a (~~biennial~~) summary of
16 all waste reduction, litter control, and recycling efforts statewide
17 including those of the department (~~of ecology,~~) and other state
18 agencies and local governments funded for such programs under this
19 chapter. (~~This report is due to the legislature in March of even-~~
20 ~~numbered years.~~)

21 **Sec. 3.** RCW 70.93.220 and 1998 c 257 s 6 are each amended to read
22 as follows:

23 (1) The department (~~of ecology~~) is the coordinating and
24 administrative agency working with the departments of natural
25 resources, revenue, transportation, and corrections, and the parks and
26 recreation commission in developing a biennial budget request for funds
27 for the various agencies' litter collection programs.

28 (2) Funds may be used to meet the needs of efficient and effective
29 litter collection and illegal dumping programs identified by the
30 various agencies. The department shall develop criteria for evaluating
31 the effectiveness and efficiency of the waste reduction, litter
32 control, and recycling programs being administered by the various
33 agencies listed in RCW 70.93.180, and shall distribute funds according
34 to the effectiveness and efficiency of those programs. In addition,
35 the department shall approve funding requests for efficient and
36 effective waste reduction, litter control, and recycling programs,
37 provide funds, and monitor the results of all agency programs.

1 (3) All agencies are responsible for reporting information on their
2 litter collection programs(~~(7)~~) as requested by the department (~~(of~~
3 ~~ecology. Beginning in the year 2000, this information shall be~~
4 ~~provided to the department by March of even numbered years. In 1998,~~
5 ~~this information shall be provided by July 1st.~~

6 ~~(4) By December 1998, and in every even numbered year thereafter,~~
7 ~~the department shall provide a report to the legislature summarizing~~
8 ~~biennial waste reduction, litter control, and recycling activities by~~
9 ~~state agencies and submitting the coordinated litter budget request of~~
10 ~~all agencies)).~~

11 **Sec. 4.** RCW 70.93.250 and 2002 c 175 s 46 are each amended to read
12 as follows:

13 (1) The department shall provide funding to local units of
14 government to establish, conduct, and evaluate community restitution
15 and other programs for waste reduction, litter and illegal dump
16 cleanup, and recycling. Programs eligible for funding under this
17 section shall include, but not be limited to, programs established
18 pursuant to RCW 72.09.260.

19 (2) Funds may be offered for costs associated with community waste
20 reduction, litter cleanup and prevention, and recycling activities.
21 The funding program must be flexible, allowing local governments to use
22 funds broadly to meet their needs to reduce waste, control litter and
23 illegal dumping, and promote recycling. Local governments are required
24 to contribute resources or in-kind services. The department shall
25 evaluate funding requests from local government according to the same
26 criteria as those developed in RCW 70.93.220, provide funds according
27 to the effectiveness and efficiency of local government litter control
28 programs, and monitor the results of all local government programs
29 under this section.

30 (3) Local governments shall report information as requested by the
31 department in funding agreements entered into by the department and a
32 local government. (~~The department shall report to the appropriate~~
33 ~~standing committees of the legislature by December of even numbered~~
34 ~~years on the effectiveness of local government waste reduction, litter,~~
35 ~~and recycling programs funded under this section.))~~

1 **Sec. 5.** RCW 70.94.162 and 1998 c 245 s 129 are each amended to
2 read as follows:

3 (1) The department and delegated local air authorities are
4 authorized to determine, assess, and collect, and each permit program
5 source shall pay, annual fees sufficient to cover the direct and
6 indirect costs of implementing a state operating permit program
7 approved by the United States environmental protection agency under the
8 federal clean air act. However, a source that receives its operating
9 permit from the United States environmental protection agency shall not
10 be considered a permit program source so long as the environmental
11 protection agency continues to act as the permitting authority for that
12 source. Each permitting authority shall develop by rule a fee schedule
13 allocating among its permit program sources the costs of the operating
14 permit program, and may, by rule, establish a payment schedule whereby
15 periodic installments of the annual fee are due and payable more
16 frequently. All operating permit program fees collected by the
17 department shall be deposited in the air operating permit account. All
18 operating permit program fees collected by the delegated local air
19 authorities shall be deposited in their respective air operating permit
20 accounts or other accounts dedicated exclusively to support of the
21 operating permit program. The fees assessed under this subsection
22 shall first be due not less than forty-five days after the United
23 States environmental protection agency delegates to the department the
24 authority to administer the operating permit program and then annually
25 thereafter.

26 The department shall establish, by rule, procedures for
27 administrative appeals to the department regarding the fee assessed
28 pursuant to this subsection.

29 (2) The fee schedule developed by each permitting authority shall
30 fully cover and not exceed both its permit administration costs and the
31 permitting authority's share of statewide program development and
32 oversight costs.

33 (a) Permit administration costs are those incurred by each
34 permitting authority, including the department, in administering and
35 enforcing the operating permit program with respect to sources under
36 its jurisdiction. Costs associated with the following activities are
37 fee eligible as these activities relate to the operating permit program

1 and to the sources permitted by a permitting authority, including,
2 where applicable, sources subject to a general permit:

3 (i) Preapplication assistance and review of an application and
4 proposed compliance plan for a permit, permit revision, or renewal;

5 (ii) Source inspections, testing, and other data-gathering
6 activities necessary for the development of a permit, permit revision,
7 or renewal;

8 (iii) Acting on an application for a permit, permit revision, or
9 renewal, including the costs of developing an applicable requirement as
10 part of the processing of a permit, permit revision, or renewal,
11 preparing a draft permit and fact sheet, and preparing a final permit,
12 but excluding the costs of developing BACT, LAER, BART, or RACT
13 requirements for criteria and toxic air pollutants;

14 (iv) Notifying and soliciting, reviewing and responding to comment
15 from the public and contiguous states and tribes, conducting public
16 hearings regarding the issuance of a draft permit and other costs of
17 providing information to the public regarding operating permits and the
18 permit issuance process;

19 (v) Modeling necessary to establish permit limits or to determine
20 compliance with permit limits;

21 (vi) Reviewing compliance certifications and emissions reports and
22 conducting related compilation and reporting activities;

23 (vii) Conducting compliance inspections, complaint investigations,
24 and other activities necessary to ensure that a source is complying
25 with permit conditions;

26 (viii) Administrative enforcement activities and penalty
27 assessment, excluding the costs of proceedings before the pollution
28 control hearings board and all costs of judicial enforcement;

29 (ix) The share attributable to permitted sources of the development
30 and maintenance of emissions inventories;

31 (x) The share attributable to permitted sources of ambient air
32 quality monitoring and associated recording and reporting activities;

33 (xi) Training for permit administration and enforcement;

34 (xii) Fee determination, assessment, and collection, including the
35 costs of necessary administrative dispute resolution and penalty
36 collection;

37 (xiii) Required fiscal audits, periodic performance audits, and
38 reporting activities;

- 1 (xiv) Tracking of time, revenues and expenditures, and accounting
- 2 activities;
- 3 (xv) Administering the permit program including the costs of
- 4 clerical support, supervision, and management;
- 5 (xvi) Provision of assistance to small businesses under the
- 6 jurisdiction of the permitting authority as required under section 507
- 7 of the federal clean air act; and
- 8 (xvii) Other activities required by operating permit regulations
- 9 issued by the United States environmental protection agency under the
- 10 federal clean air act.
- 11 (b) Development and oversight costs are those incurred by the
- 12 department in developing and administering the state operating permit
- 13 program, and in overseeing the administration of the program by the
- 14 delegated local permitting authorities. Costs associated with the
- 15 following activities are fee eligible as these activities relate to the
- 16 operating permit program:
 - 17 (i) Review and determinations necessary for delegation of authority
 - 18 to administer and enforce a permit program to a local air authority
 - 19 under RCW 70.94.161(2) and 70.94.860;
 - 20 (ii) Conducting fiscal audits and periodic performance audits of
 - 21 delegated local authorities, and other oversight functions required by
 - 22 the operating permit program;
 - 23 (iii) Administrative enforcement actions taken by the department on
 - 24 behalf of a permitting authority, including those actions taken by the
 - 25 department under RCW 70.94.785, but excluding the costs of proceedings
 - 26 before the pollution control hearings board and all costs of judicial
 - 27 enforcement;
 - 28 (iv) Determination and assessment with respect to each permitting
 - 29 authority of the fees covering its share of the costs of development
 - 30 and oversight;
 - 31 (v) Training and assistance for permit program administration and
 - 32 oversight, including training and assistance regarding technical,
 - 33 administrative, and data management issues;
 - 34 (vi) Development of generally applicable regulations or guidance
 - 35 regarding the permit program or its implementation or enforcement;
 - 36 (vii) State codification of federal rules or standards for
 - 37 inclusion in operating permits;

1 (viii) Preparation of delegation package and other activities
2 associated with submittal of the state permit program to the United
3 States environmental protection agency for approval, including ongoing
4 coordination activities;

5 (ix) General administration and coordination of the state permit
6 program, related support activities, and other agency indirect costs,
7 including necessary data management and quality assurance;

8 (x) Required fiscal audits and periodic performance audits of the
9 department, and reporting activities;

10 (xi) Tracking of time, revenues and expenditures, and accounting
11 activities;

12 (xii) Public education and outreach related to the operating permit
13 program, including the maintenance of a permit register;

14 (xiii) The share attributable to permitted sources of compiling and
15 maintaining emissions inventories;

16 (xiv) The share attributable to permitted sources of ambient air
17 quality monitoring, related technical support, and associated recording
18 activities;

19 (xv) The share attributable to permitted sources of modeling
20 activities;

21 (xvi) Provision of assistance to small business as required under
22 section 507 of the federal clean air act as it exists on July 25, 1993,
23 or its later enactment as adopted by reference by the director by rule;

24 (xvii) Provision of services by the department of revenue and the
25 office of the state attorney general and other state agencies in
26 support of permit program administration;

27 (xviii) A one-time revision to the state implementation plan to
28 make those administrative changes necessary to ensure coordination of
29 the state implementation plan and the operating permit program; and

30 (xix) Other activities required by operating permit regulations
31 issued by the United States environmental protection agency under the
32 federal clean air act.

33 (3) The responsibility for operating permit fee determination,
34 assessment, and collection is to be shared by the department and
35 delegated local air authorities as follows:

36 (a) Each permitting authority, including the department, acting in
37 its capacity as a permitting authority, shall develop a fee schedule
38 and mechanism for collecting fees from the permit program sources under

1 its jurisdiction; the fees collected by each authority shall be
2 sufficient to cover its costs of permit administration and its share of
3 the department's costs of development and oversight. Each delegated
4 local authority shall remit to the department its share of the
5 department's development and oversight costs.

6 (b) Only those local air authorities to whom the department has
7 delegated the authority to administer the program pursuant to RCW
8 70.94.161(2) (b) and (c) and 70.94.860 shall have the authority to
9 administer and collect operating permit fees. The department shall
10 retain the authority to administer and collect such fees with respect
11 to the sources within the jurisdiction of a local air authority until
12 the effective date of program delegation to that air authority.

13 (c) The department shall allocate its development and oversight
14 costs among all permitting authorities, including the department, in
15 proportion to the number of permit program sources under the
16 jurisdiction of each authority, except that extraordinary costs or
17 other costs readily attributable to a specific permitting authority may
18 be assessed that authority. For purposes of this subsection, all
19 sources covered by a single general permit shall be treated as one
20 source.

21 (4) The department and each delegated local air authority shall
22 adopt by rule a general permit fee schedule for sources under their
23 respective jurisdictions after such time as the department adopts
24 provisions for general permit issuance. Within ninety days of the time
25 that the department adopts a general permit fee schedule, the
26 department shall report to the relevant standing committees of the
27 legislature regarding the general permit fee schedules adopted by the
28 department and by the delegated local air authorities. The permit
29 administration costs of each general permit shall be allocated
30 equitably among only those sources subject to that general permit. The
31 share of development and oversight costs attributable to each general
32 permit shall be determined pursuant to subsection (3)(c) of this
33 section.

34 (5) The fee schedule developed by the department shall allocate
35 among the sources for whom the department acts as a permitting
36 authority, other than sources subject to a general permit, those
37 portions of the department's permit administration costs and the

1 department's share of the development and oversight costs which the
2 department does not plan to recover under its general permit fee
3 schedule or schedules as follows:

4 (a) The department shall allocate its permit administration costs
5 and its share of the development and oversight costs not recovered
6 through general permit fees according to a three-tiered model based
7 upon:

8 (i) The number of permit program sources under its jurisdiction;

9 (ii) The complexity of permit program sources under its
10 jurisdiction; and

11 (iii) The size of permit program sources under its jurisdiction, as
12 measured by the quantity of each regulated pollutant emitted by the
13 source.

14 (b) Each of the three tiers shall be equally weighted.

15 (c) The department may, in addition, allocate activities-based
16 costs readily attributable to a specific source to that source under
17 RCW 70.94.152(1) and 70.94.154(7).

18 The quantity of each regulated pollutant emitted by a source shall
19 be determined based on the annual emissions during the most recent
20 calendar year for which data is available.

21 (6) The department shall, after opportunity for public review and
22 comment, adopt rules that establish a process for development and
23 review of its operating permit program fee schedule, a methodology for
24 tracking program revenues and expenditures, and, for both the
25 department and the delegated local air authorities, a system of fiscal
26 audits, reports, and periodic performance audits.

27 (a) The fee schedule development and review process shall include
28 the following:

29 (i) The department shall conduct a biennial workload analysis. The
30 department shall provide the opportunity for public review of and
31 comment on the workload analysis. The department shall review and
32 update its workload analysis during each biennial budget cycle, taking
33 into account information gathered by tracking previous revenues, time,
34 and expenditures and other information obtained through fiscal audits
35 and performance audits.

36 (ii) The department shall prepare a biennial budget based upon the
37 resource requirements identified in the workload analysis for that
38 biennium. In preparing the budget, the department shall take into

1 account the projected operating permit account balance at the start of
2 the biennium. The department shall provide the opportunity for public
3 review of and comment on the proposed budget. The department shall
4 review and update its budget each biennium.

5 (iii) The department shall develop a fee schedule allocating the
6 department's permit administration costs and its share of the
7 development and oversight costs among the department's permit program
8 sources using the methodology described in subsection (5) of this
9 section. The department shall provide the opportunity for public
10 review of and comment on the allocation methodology and fee schedule.
11 The department shall provide procedures for administrative resolution
12 of disputes regarding the source data on which allocation
13 determinations are based; these procedures shall be designed such that
14 resolution occurs prior to the completion of the allocation process.
15 The department shall review and update its fee schedule annually.

16 (b) The methodology for tracking revenues and expenditures shall
17 include the following:

18 (i) The department shall develop a system for tracking revenues and
19 expenditures that provides the maximum practicable information. At a
20 minimum, revenues from fees collected under the operating permit
21 program shall be tracked on a source-specific basis and time and
22 expenditures required to administer the program shall be tracked on the
23 basis of source categories and functional categories. Each general
24 permit will be treated as a separate source category for tracking and
25 accounting purposes.

26 (ii) The department shall use the information obtained from
27 tracking revenues, time, and expenditures to modify the workload
28 analysis required in subsection (6)(a) of this section.

29 (iii) The information obtained from tracking revenues, time, and
30 expenditures shall not provide a basis for challenge to the amount of
31 an individual source's fee.

32 (c) The system of fiscal audits, reports, and periodic performance
33 audits shall include the following:

34 (i) The department and the delegated local air authorities shall
35 ~~((prepare annual reports and shall submit the reports to, respectively,~~
36 ~~the appropriate standing committees of the legislature and the board of~~
37 ~~directors of the local air authority)) periodically report information
38 about the air operating permit program on the department's web site.~~

1 (ii) The department shall arrange for fiscal audits and routine
2 performance audits and for periodic intensive performance audits of
3 each permitting authority and of the department.

4 (7) Each local air authority requesting delegation shall, after
5 opportunity for public review and comment, publish regulations which
6 establish a process for development and review of its operating permit
7 program fee schedule, and a methodology for tracking its revenues and
8 expenditures. These regulations shall be submitted to the department
9 for review and approval as part of the local authority's delegation
10 request.

11 (8) As used in this section and in RCW 70.94.161(14), "regulated
12 pollutant" shall have the same meaning as defined in section 502(b) of
13 the federal clean air act as it exists on July 25, 1993, or its later
14 enactment as adopted by reference by the director by rule.

15 (9) Fee structures as authorized under this section shall remain in
16 effect until such time as the legislature authorizes an alternative
17 structure following receipt of the report required by this subsection.

18 **Sec. 6.** RCW 70.95.530 and 2009 c 261 s 5 are each amended to read
19 as follows:

20 (1) Moneys in the waste tire removal account may be appropriated to
21 the department of ecology:

22 (a) To provide for funding to state and local governments for the
23 removal of discarded vehicle tires from unauthorized tire dump sites;
24 and

25 (b) To accomplish the other purposes of RCW 70.95.020 as they
26 relate to waste tire cleanup under this chapter.

27 (2) In spending funds in the account under this section, the
28 department (~~of ecology~~) shall identify communities with the most
29 severe problems with waste tires and provide funds first to those
30 communities to remove accumulations of waste tires.

31 (3) (~~On September 1st of even numbered years,~~) The department
32 (~~of ecology~~) shall provide (~~a report to the house [of~~
33 ~~representatives] and senate transportation committees on the progress~~
34 ~~being made on the cleanup of unauthorized waste tire piles in the state~~
35 ~~and efforts underway to prevent the formation of future unauthorized~~
36 ~~waste tire piles. The report must detail any additional unauthorized~~
37 ~~waste tire piles discovered since the last report and present a plan to~~

1 ~~clean up these new unauthorized waste tire piles if they have not~~
2 ~~already done so, as well as include a listing of authorized waste tire~~
3 ~~piles and transporters. The report must also include the status of~~
4 ~~funds available to the program and a needs assessment of the program.~~
5 ~~On September 1, 2010, the department shall also make recommendations to~~
6 ~~the committees for an ongoing program to prevent the formation of~~
7 ~~future unauthorized waste tire piles. Such a program, if required,~~
8 ~~must include joint efforts with local governments and the tire~~
9 ~~industry)) on its web site a summary of state and local government~~
10 ~~efforts funded using the waste tire removal account, a list of~~
11 ~~authorized waste tire storage sites and transporters, and tire~~
12 ~~recycling and reuse rates in the state for each calendar year.~~

13 **Sec. 7.** RCW 70.95J.025 and 1997 c 398 s 1 are each amended to read
14 as follows:

15 (1) The department shall establish annual fees to collect expenses
16 for issuing and administering biosolids permits under this chapter. An
17 initial fee schedule shall be established by rule and shall be adjusted
18 no more often than once every two years. This fee schedule applies to
19 all permits, regardless of date of issuance, and fees shall be assessed
20 prospectively. Fees shall be established in amounts to recover
21 expenses incurred by the department in processing permit applications
22 and modifications, reviewing related plans and documents, monitoring,
23 evaluating, conducting inspections, overseeing performance of delegated
24 program elements, providing technical assistance and supporting
25 overhead expenses that are directly related to these activities.

26 (2) The annual fee paid by a permittee for any permit issued under
27 this chapter shall be determined by the number of residences or
28 residential equivalents contributing to the permittee's biosolids
29 management system. If residences or residential equivalents cannot be
30 determined or reasonably estimated, fees shall be based on other
31 appropriate criteria.

32 (3) The biosolids permit account is created in the state treasury.
33 All receipts from fees under this section must be deposited into the
34 account. Moneys in the account may be spent only after appropriation.
35 Expenditures from the account may be used only for the purposes of
36 administering permits under this chapter.

1 (4) The department shall (~~present a biennial progress report on~~
2 ~~the use of moneys from the biosolids permit account to the legislature.~~
3 ~~The first report is due on or before December 31, 1998, and thereafter~~
4 ~~on or before December 31st of odd numbered years. The report shall~~
5 ~~consist of~~) make available on the web site information on fees
6 collected, actual expenses incurred, and anticipated expenses for the
7 current and following fiscal years.

8 (5) The department shall work with the regulated community and
9 local health departments to study the feasibility of modifying the fee
10 schedule to support delegated local health departments and reduce local
11 health department fees paid by biosolids permittees.

12 **Sec. 8.** RCW 70.120A.050 and 2008 c 32 s 2 are each amended to read
13 as follows:

14 (1) No model year 2010 or subsequent model year new passenger car,
15 light duty truck, or medium duty passenger vehicle may be sold in
16 Washington unless there is securely and conspicuously affixed in a
17 clearly visible location a label on which the manufacturer clearly
18 discloses comparative greenhouse gas emissions for that new vehicle.

19 (2) The label required by this section should include a greenhouse
20 gas index or rating system that contains quantitative and graphical
21 information presented in a continuous, easy-to-read scale that compares
22 the greenhouse gas emissions from the vehicle with the average
23 projected greenhouse gas emissions from all passenger cars, light duty
24 trucks, and medium duty passenger vehicles of the same model year. For
25 reference purposes, the index or rating system should also identify the
26 greenhouse gas emissions from the vehicle model of that same model year
27 that has the lowest greenhouse gas emissions.

28 (3) The index or rating system included in the label under
29 subsection (2) of this section shall be updated as necessary to ensure
30 that the differences in greenhouse gas emissions among vehicles are
31 readily apparent to the consumer.

32 (4) An automobile manufacturer may apply to the department of
33 ecology for approval of an alternative to the disclosure labeling
34 requirement that is at least as effective in providing notification and
35 disclosure of the vehicle's greenhouse gas emissions as is the labeling
36 required by this section.

1 (5) A label that complies with the requirements of the California
2 greenhouse gas vehicle labeling program shall be deemed to meet the
3 requirements of this section and any rules adopted under this section.

4 (6) The department of ecology may adopt such rules as are necessary
5 to implement this section.

6 ~~((7) The department of ecology shall provide a status report to
7 the appropriate committees of the legislature on or before December 1,
8 2008, (a) outlining its approach and progress toward implementing a
9 greenhouse gas vehicle emissions disclosure labeling program for
10 Washington, (b) providing an update on the status of California's
11 greenhouse gas vehicle labeling program, and (c) making recommendations
12 as necessary for legislation to meet the intent and purpose of chapter
13 32, Laws of 2008 by the 2010 model year.))~~

14 **Sec. 9.** RCW 90.42.130 and 2003 c 144 s 5 are each amended to read
15 as follows:

16 (1) The department shall seek input from agricultural
17 organizations, federal agencies, tribal governments, local governments,
18 watershed groups, conservation groups, and developers on water banking,
19 including water banking procedures and identification of areas in
20 Washington state where water banking could assist in providing water
21 supplies for instream and out-of-stream uses. ~~((The department shall
22 summarize any comments received on water banking and submit a report,
23 including any recommendations, to the appropriate committees of the
24 legislature for their consideration in the subsequent legislative
25 session.))~~

26 (2) ~~((By December 31st of every even-numbered year,))~~ The
27 department shall ~~((submit a report to the appropriate committees of the
28 legislature on water banking activities authorized under RCW 90.42.100.
29 The report shall:~~

30 ~~(a) Evaluate the effectiveness of water banking in meeting the
31 policies and objectives of this chapter;~~

32 ~~(b) Describe any statutory, regulatory, or other impediments to
33 water banking in other areas of the state; and~~

34 ~~(c) Identify other basins or regions that may benefit from
35 authorization for the department to use the trust water [rights]
36 program for water banking purposes))~~ maintain information on its web

1 site regarding water banking, including information on water banks and
2 related programs in various areas of the state.

3 **Sec. 10.** RCW 90.44.052 and 2003 c 307 s 2 are each amended to read
4 as follows:

5 (1) On a pilot project basis, the use of water for domestic use in
6 clustered residential developments is exempt as described in subsection
7 (2) of this section from the permit requirements of RCW 90.44.050 in
8 Whitman county. The department must review the use of water under this
9 section and its impact on water resources in the county and (~~report to~~
10 ~~the legislature by December 31st of each even numbered year through~~
11 ~~2016 regarding its review~~) maintain information regarding the pilot
12 project on its web site.

13 (2) For the pilot project, the domestic use of water for a
14 clustered residential development is exempt from the permit
15 requirements of RCW 90.44.050 for an amount of water that is not more
16 than one thousand two hundred gallons a day per residence for a
17 residential development that has an overall density equal to or less
18 than one residence per ten acres and a minimum of six homes.

19 (3) No new right to use water may be established for a clustered
20 development under this section where the first residential use of water
21 for the development begins after December 31, 2015.

22 **Sec. 11.** RCW 90.48.545 and 2009 c 449 s 2 are each amended to read
23 as follows:

24 (1) As funding to do so becomes available, the department shall
25 create a storm water technical resource center in partnership with a
26 university, nonprofit organization, or other public or private entity
27 to provide tools for storm water management. The center shall use its
28 authority to support the duties listed in this subsection through
29 research, development, technology demonstration, technology transfer,
30 education, outreach, recognition, and training programs. The center
31 may:

- 32 (a) Review and evaluate emerging storm water technologies;
33 (b) Research and develop innovative and cost-effective technical
34 solutions to remove pollutants from runoff and to reduce or eliminate
35 storm water discharges;
36 (c) Conduct pilot projects to test technical solutions;

1 (d) Serve as a clearinghouse and outreach center for information on
2 storm water technology;

3 (e) Assist in the development of storm water control methods to
4 better protect water quality, including source control, product
5 substitution, pollution prevention, and storm water treatment;

6 (f) Coordinate with federal, state, and local agencies and private
7 organizations in administering programs related to storm water control
8 measures; and

9 (g) Collaborate with existing storm water outreach programs.

10 (2) The department shall consult with an advisory committee in the
11 development of the storm water technical resource center. The advisory
12 committee must include representatives from relevant state agencies,
13 local governments, the business community, the environmental community,
14 tribes, and the building and development industry.

15 (3) The department, in consultation with the storm water technical
16 resource center advisory committee, shall identify a funding strategy
17 for funding the storm water technical resource center.

18 (4) The department shall encourage all interested parties to help
19 and support the technical resource center with in-kind services.

20 (5) The department and other partners in the center shall (~~prepare~~
21 ~~and submit a biennial progress report to the legislature~~) in even-
22 numbered years inform the appropriate legislative committees of the
23 progress made in achieving the objectives of this section.

24 **Sec. 12.** RCW 90.80.150 and 2001 c 237 s 21 are each amended to
25 read as follows:

26 The department shall (~~report biennially by December 31st of each~~
27 ~~even-numbered year to the appropriate committees of the legislature~~
28 ~~on~~) maintain information on its web site concerning the boards formed
29 or sought to be formed under the authority of this chapter, the
30 transfer applications reviewed and other activities conducted by the
31 boards, and the funding of such boards. Conservancy boards must
32 provide information regarding their activities to the department to
33 assist the department in (~~preparing the report~~) updating this
34 information at least biennially in even-numbered years.

35 **Sec. 13.** RCW 90.82.043 and 2007 c 445 s 6 are each amended to read
36 as follows:

1 (1) Within one year of accepting funding under RCW 90.82.040(2)(e),
2 the planning unit must complete a detailed implementation plan.
3 Submittal of a detailed implementation plan to the department is a
4 condition of receiving grants for the second and all subsequent years
5 of the phase four grant.

6 (2) Each implementation plan must contain strategies to provide
7 sufficient water for: (a) Production agriculture; (b) commercial,
8 industrial, and residential use; and (c) instream flows. Each
9 implementation plan must contain timelines to achieve these strategies
10 and interim milestones to measure progress.

11 (3) The implementation plan must clearly define coordination and
12 oversight responsibilities; any needed interlocal agreements, rules, or
13 ordinances; any needed state or local administrative approvals and
14 permits that must be secured; and specific funding mechanisms.

15 (4) In developing the implementation plan, the planning unit must
16 consult with other entities planning in the watershed management area
17 and identify and seek to eliminate any activities or policies that are
18 duplicative or inconsistent.

19 ~~((5)(a) - By December 1, 2003, and by December 1st of each
20 subsequent year, the director of the department shall report to the
21 appropriate legislative standing committees regarding statutory changes
22 necessary to enable state agency approval or permit decision-making
23 needed to implement a plan approved under this chapter.~~

24 ~~(b) Beginning with the December 1, 2007, report, and then every two
25 years thereafter, the director shall include in each report the extent
26 to which reclaimed water has been identified in the watershed plans as
27 potential sources or strategies to meet future water needs, and
28 provisions in any watershed implementation plans that discuss barriers
29 to implementation of the water reuse elements of those plans. The
30 department's report shall include an estimate of the potential cost of
31 reclaimed water facilities and identification of potential sources of
32 funding for them.))~~

33 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
34 each repealed:

35 (1) RCW 70.95.545 (Tire recycling--Report) and 2002 c 299 s 9;

- 1 (2) RCW 70.120A.040 (Reports) and 2005 c 295 s 9; and
2 (3) RCW 90.80.901 (Reports to the legislature) and 2001 c 237 s 32.

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