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**HOUSE BILL 2235**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Dye and Couture

AN ACT Relating to improving publicly available data on Washington state's water quality to improve salmon recovery and the prioritization of salmon recovery projects; amending RCW 90.48.580; adding a new section to chapter 90.48 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1)(a) The legislature finds that Washington water quality is in crisis and additional water quality data is needed for the public and lawmakers to better understand and manage this crisis.

(b) The legislature finds that the 2018 state water quality assessment determined that 46 percent of streams and 19 percent of marine waters are listed as polluted for at least one pollutant.

(c) The legislature finds that the 2018 assessment was based on water quality data collected for only 15 percent of Washington waters.

(d) Therefore, the legislature intends for the department of ecology to improve the frequency, comprehensiveness, and quality of data published and made available to the public about our state water quality crisis.

(2)(a) The legislature observes that the federal clean water act places responsibility on the department of ecology to categorize state waters as clean or polluted.

(b) The legislature is concerned by a recent federal government accountability office report that Washington state has repeatedly not met its deadlines under the federal clean water act for biennial reporting on pollution levels in our state's lakes, streams, and marine waters.

(c) The legislature's concern is heightened because Washington faces a long-term salmon recovery crisis that is related to water pollution and it will be impossible to effectively address salmon recovery and direct scarce funding resources to areas that will have the greatest impact without reliable and publicly available information about water temperature, toxicity, and pollution levels.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

The department shall submit an inventory of polluted waters of Washington state by December 1st of each year to the committees of the legislature with jurisdiction over fisheries and water quality. The purpose of the report is to describe and visually depict the extent of existing pollution and relative improvement or deterioration of conditions, and to provide accountability for any failure of the state to meet federal clean water act reporting obligations. The report must include, at a minimum, the following elements:

(1) A clear statement concerning the department's on-time compliance with the biennial reporting obligations of the clean water act. The statement must apprise the legislature whether the reporting obligation can be and will be fulfilled based on current staffing and funding levels for data collection. If the department has reason to anticipate noncompliance with federal biennial reporting obligations, the department shall include in the report an assessment of the funding and staffing levels and programmatic changes that would be necessary to achieve not only minimum levels of federal compliance but also to produce a comprehensive assessment of water quality for all water bodies and water body segments that are feasible to assess;

(2) An accounting of the number of water bodies and water body segments successfully cleaned up over the preceding year to the point of removal from the list of water bodies listed as impaired under the federal clean water act, and the number of newly added water bodies and water body segments over the same interval. The report must contain the currently known number of water bodies and water body segments that are listed as impaired for one or more pollutants, an identification of the number of water bodies and water body segments that are impaired for each type of pollutant for which recordkeeping is federally required, and the approximate percentage of total water bodies and water body segments for which data were gathered;

(3) A comparative description of state funding and department staffing levels for water quality monitoring, assessment, and improvement, a description of trends in those staffing and funding levels, and a reference comparison to state funding and staffing levels for air quality monitoring, assessment, and improvement over the same time period; and

(4) A description of available scientific knowledge on the relationship between existing water pollution levels and types in Washington waters and salmon mortality, including any known quantitative assessment of the salmon population levels Washington would have if its water bodies met federal and state water quality levels. In each subsequent report, this description must be updated to reflect any newly published peer-reviewed research that is specific to Washington waters and Washington salmon.

**Sec.**  RCW 90.48.580 and 2004 c 228 s 3 are each amended to read as follows:

(1) The department shall use credible information and literature for developing and reviewing a surface water quality standard or technical model used to establish a total maximum daily load for any surface water of the state.

(2) The department shall use credible data for the following actions after June 10, 2004:

(a) Determining whether any water of the state is to be placed on or removed from any section 303(d) list;

(b) Establishing a total maximum daily load for any surface water of the state; ((~~or~~))

(c) Determining whether any surface water of the state is supporting its designated use or other classification; and

(d) Designating outstanding resource waters and establishing a baseline of water quality prior to proposing a water body for designation as an outstanding resource water.

(3) The department shall respond to questions regarding the data, literature, and other information it uses under this section. The department shall reply to requests within five business days acknowledging that the department has received the request and provide a reasonable estimate of the time the department will require to respond to the request.

(4) The department, the United States environmental protection agency, and the Indian tribes in Washington state have developed a voluntary agreement relating to the cooperative management of the clean water act section 303(d) program. The department shall consider water quality data that has been collected by Indian tribes under a quality assurance project plan that has been approved by the United States environmental protection agency if that data meets the objectives of the plan.

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