

Chapter 43.21A RCW
DEPARTMENT OF ECOLOGY

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RCW 43.21A.005 Intent—Public involvement and outreach. See RCW 43.20A.005.

RCW 43.21A.010 Legislative declaration of state policy on environment and utilization of natural resources. The legislature recognizes and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state. [1970 ex.s. c 62 § 1.]

Savings—Other powers and rights not affected—Permits, standards, not affected—1970 ex.s. c 62: "The provisions of this act shall not impair or supersede the powers or rights of any person, committee, association, public, municipal or private corporations, state or local governmental agency, federal agency, or political subdivision of the state of Washington under any other law except as specifically provided herein. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste materials of this state are not changed hereby and the laws governing the same are to be protected and preserved." [1970 ex.s. c 62 § 61.]

Effective date—1970 ex.s. c 62: "This 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 62 § 64.]

Severability—1970 ex.s. c 62: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected." [1970 ex.s. c 62 § 65.]

RCW 43.21A.020 Purpose. In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70A.205 RCW, and such other environmental, management

protection and development programs as may be authorized by the legislature. [2020 c 20 § 1030; 1970 ex.s. c 62 § 2.]

RCW 43.21A.030 Definitions. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Commission" means the ecological commission. [1970 ex.s. c 62 § 3.]

RCW 43.21A.040 Department of ecology—Created. There is created a department of state government to be known as the department of ecology. [1970 ex.s. c 62 § 4.]

RCW 43.21A.050 Department of ecology—Director—Appointment—Powers and duties—Salary—Temporary appointment when vacancy. The executive and administrative head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate. He or she shall have complete charge of and supervisory powers over the department. He or she shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position. [2009 c 549 § 5081; 1970 ex.s. c 62 § 5.]

RCW 43.21A.061 Powers and duties—Reclamation. The department of ecology shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law. [1987 c 109 § 26; 1965 c 8 § 43.21.110. Prior: 1921 c 7 § 70; RRS § 10828. Formerly RCW 43.21.110.]

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.064 Powers and duties—Water resources. Subject to RCW 43.21A.068, the director of the department of ecology shall have the following powers and duties:

- (1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;
- (2) Insofar as may be necessary to assure safety to life or property, the director shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) The director shall regulate and control the diversion of water in accordance with the rights thereto;

(4) The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) The director shall, if requested, provide assistance to an applicant for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035. If the applicant is a public water supply system, the supply being sought must be used in a manner consistent with applicable land use, watershed and water system plans, and the population forecast for that area provided under RCW 43.62.035;

(6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. The director shall keep a seal of the office, and all certificates covering any of the director's acts or the acts of the director's office, or the records and files of that office, under such seal, shall be taken as evidence thereof in all courts;

(7) The director shall render when required by the governor, a full written report of the office's work with such recommendations for legislation as the director deems advisable for the better control and development of the water resources of the state;

(8) The director and duly authorized deputies may administer oaths;

(9) The director shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(10) The director shall perform such other duties as may be prescribed by law. [1997 c 443 § 2; 1995 c 8 § 3; 1977 c 75 § 46; 1965 c 8 § 43.21.130. Prior: 1961 c 19 § 1; prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358. Formerly RCW 43.21.130.]

Finding—Intent—1997 c 443: "The legislature finds that there is a need for development of additional water resources to meet the forecasted population growth in the state. It is the intent of chapter 443, Laws of 1997 to direct the responsible agencies to assist applicants seeking a safe and reliable water source for their use. Providing this assistance for public water supply systems can be accomplished through assistance in the creation of municipal interties and transfers, additional storage capabilities, enhanced conservation efforts, and added efficiency standards for using existing supplies." [1997 c 443 § 1.]

Findings—1995 c 8: "The legislature finds and declares:

(1) The federal energy regulatory commission, under the federal power act, licenses hydropower projects in navigable waters and regularly and extensively inspects facilities for safety; and

(2) Nothing in this act alters or affects the department of ecology's authority to: (a) Participate in the federal process of licensing hydropower projects; or (b) ensure that hydropower projects comply with federal statutes such as the coastal zone management act

and the clean water act and, subject to RCW 43.21A.068, all applicable state law." [1995 c 8 § 1.]

Review of permit applications to divert and store water, water flow policy: RCW 77.57.020.

Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.

RCW 43.21A.067 Water resources—"Basic data fund" created. The director of ecology may create within his or her department a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for streamflow, groundwater and water quality data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be on vouchers approved by the department and the district engineer of the United States geological survey. [2009 c 549 § 5082; 1987 c 109 § 27; 1967 c 53 § 1; 1965 c 8 § 43.21.140. Prior: 1951 c 57 § 4; 1943 c 30 § 1; Rem. Supp. 1943 § 5505-1. Formerly RCW 43.21.140.]

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.068 Federal power act licensees—Exemption from state requirements. (1) With respect to the safety of any dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act, no licensee shall be required to:

(a) Submit proposals, plans, specifications, or other documents for approval by the department;

(b) Seek a permit, license, or other form, permission, or authorization from the department;

(c) Submit to inspection by the department; or

(d) Change the design, construction, modification, maintenance, or operation of such facilities at the demand of the department.

(2) For the purposes of this section, "licensee" means an owner or operator, or any employee thereof, of a dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act. [1995 c 8 § 2.]

Findings—1995 c 8: See note following RCW 43.21A.064.

RCW 43.21A.069 Powers and duties—Flood control. The department of ecology shall exercise all the powers and perform all the duties prescribed by law with respect to flood control. [1987 c 109 § 28; 1965 c 8 § 43.21.160. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part. Formerly RCW 43.21.160.]

~~Purpose—Short title—Construction—Rules—Severability—Captions—~~
1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.070 Application of administrative procedure act to the review of decisions by director. The administrative procedure act, chapter 34.05 RCW, shall apply to the review of decisions by the director to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by chapter 62, Laws of 1970 ex. sess. to the department of ecology. The administrative procedure act shall further apply to all other decisions of the director as in chapter 34.05 RCW provided. [1970 ex.s. c 62 § 7.]

RCW 43.21A.080 Rule-making authority. The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter: PROVIDED, That the director may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt the rule. [1995 c 403 § 103; 1970 ex.s. c 62 § 8.]

~~Findings—Short title—Intent—1995 c 403:~~ See note following RCW 34.05.328.

RCW 43.21A.081 Five-year formal review process of existing rules. The department of ecology must establish and perform, within existing funds, a formal review process of its existing rules every five years. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report back to the applicable committees of the legislature with its review process and benchmarks by January 2014. [2013 2nd sp.s. c 30 § 2.]

~~Findings—Intent—2013 2nd sp.s. c 30:~~ "The legislature finds that regulatory processes impose significant costs on doing business and significantly influence investment behavior, location decisions, start-up activity, expansions, and hiring. The legislature further finds that, for more than a decade, the executive and legislative branches have called upon state agencies to review their regulations to achieve meaningful regulatory reform and improve the regulatory climate for Washington businesses. However, a 2012 performance audit conducted by the state auditor's office found that the departments of ecology, health, and labor and industries have not adopted sufficient streamlining processes or formally measured the results of their streamlining activities. Thus, it is the intent of the legislature to formally direct these three state agencies to achieve the regulatory

reform that has been repeatedly called for by the governor and the legislature." [2013 2nd sp.s. c 30 § 1.]

RCW 43.21A.085 Technical assistance officer and units—Coordination of voluntary compliance with regulatory laws. The department, to the greatest extent possible, within available resources and without jeopardizing the department's ability to carry out its legal responsibilities, may designate one or more of its employees as a technical assistance officer, and may organize the officers into one or more technical assistance units within the department. The duties of a technical assistance officer are to coordinate voluntary compliance with the regulatory laws administered by the department and to provide technical assistance concerning compliance with the laws. [1992 c 19 § 1.]

RCW 43.21A.087 Technical assistance officer and units—Authority to issue orders or assess penalties. (1) An employee designated by the department as a technical assistance officer or as a member of a technical assistance unit may not, during the period of the designation, have authority to issue orders or assess penalties on behalf of the department. Such an employee who provides on-site consultation at an industrial or commercial facility and who observes violations of the law shall inform the owner or operator of the facility of the violations. On-site consultation visits by such an employee may not be regarded as inspections or investigations and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations of the law must be reported to the appropriate officers within the department. If the owner or operator of the facility does not correct the observed violations within a reasonable time, the department may reinspect the facility and take appropriate enforcement action. If a technical assistance officer or member of a technical assistance unit observes a violation of the law that places a person in danger of death or substantial bodily harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars, the department may initiate enforcement action immediately upon observing the violation.

(2) The state, the department, and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from the performance by technical assistance officers of their duties, or if liability is asserted to arise from the failure of the department to supply technical assistance. [1992 c 19 § 2.]

RCW 43.21A.090 Powers, duties and functions transferred to department to be performed by director—Delegation by director, limitations. All powers, duties and functions transferred to the department by the terms of chapter 62, Laws of 1970 ex. sess. shall be performed by the director: PROVIDED, That the director may delegate, by appropriate rule or regulation, the performance of such of his or her powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever it appears desirable in

fulfilling the policy and purposes of this chapter. [2009 c 549 § 5083; 1970 ex.s. c 62 § 9.]

RCW 43.21A.100 Departmental administrative divisions—Deputy director, duties—Assistant directors, duties—As exempt from state civil service law—Salaries. In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he or she deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06.073, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [2009 c 549 § 5084; 1970 ex.s. c 62 § 10.]

RCW 43.21A.120 Director to employ personnel—Application of state civil service law. The director shall have the power to employ such personnel as may be necessary for the general administration of this chapter: PROVIDED, That except as specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1970 ex.s. c 62 § 12.]

RCW 43.21A.130 Studies—Limitations. (1) In addition to any other powers granted the director, the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air; however, in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action.

(2) (a) Any studies conducted by the department to establish the total maximum daily load of a water body under chapter 90.48 RCW must involve meaningful participation and opportunities to comment by the local watershed planning group established in chapter 90.82 RCW, the local governments whose jurisdictions are within the affected watershed, and any affected or concerned citizen who notifies the department of his or her interest in participating. Technical or procedural disputes or disagreements that arise during the participation and comment process may be presented to the director for review. The director shall conduct a review of the disputed items and issue written findings and conclusions to all interested participants.

(b) If a study conducted on the total maximum daily load of a water body may affect a new or renewed national pollution discharge elimination permit under chapter 90.48 RCW, the department must disclose prior to the finalization of the study the precision and accuracy of data collected, computer models developed, and assumptions used. [2002 c 364 § 1; 1987 c 505 § 28; 1980 c 87 § 22; 1970 ex.s. c 62 § 13.]

RCW 43.21A.140 Director to consult with department, state board of health. The director in carrying out his or her powers and duties under this chapter shall consult with the department of social and health services and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common. [2009 c 549 § 5085; 1979 c 141 § 67; 1970 ex.s. c 62 § 14.]

RCW 43.21A.150 Director to consult with other states, federal government, and Canadian provinces—Authority to receive and disburse grants, funds, and gifts—Department's website list of interagency agreements. (1) The director, whenever it is lawful and feasible to do so, shall consult and cooperate with the federal government, as well as with other states and Canadian provinces, in the study and control of environmental problems. On behalf of the department, the director is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

(2) (a) Beginning December 31, 2017, the director must list on the department's website information regarding the current interagency agreements to which the department is a party or in which the department is a participant.

(b) The list must identify each agreement, the type of agreement, parties to the agreement, the effective date of the agreement, and a brief description of the agreement. The list must include all interagency agreements involving the department and other state agencies, local governments, special purpose districts, the federal government and federal government agencies, and the agencies of other states.

(c) For the initial list, the department must by December 31, 2017, list all grant agreements and federal agreements where information is readily extractable from the department's data systems. For those data systems that, because of their age, require programming support to extract and format data for publishing to the internet, the department must complete listing the required information according to the following schedule:

(i) By June 30, 2018, all contract, loan, and grant agreements;

(ii) By December 31, 2018, all agreements pertaining to funds receivable for work performed by the department, leases, and nonfinancial interagency agreements.

(d) Beginning December 1, 2018, the department must annually update the website to include new interagency agreements that the department has entered into and must identify the agreements that have been updated within the past year.

(e) For the purposes of this section, the term "interagency agreement" includes but is not limited to memoranda of understanding, grant contracts, and advisory or nonbinding agreements.

(f) For purposes of this section, the information posted on the department's website is considered to function as a report to the legislature because the report acts as a mechanism of keeping the legislature apprised of the department's interagency agreements. [2017 c 47 § 2; 1970 ex.s. c 62 § 15.]

Findings—Intent—2017 c 47: "The legislature finds that department of ecology pursues its mission of environmental protection within a complicated framework of national, state, and local authorities and responsibilities, and that the department of ecology's roles within this framework are not always readily intelligible to the public. Furthermore, the legislature finds that promoting the transparency of department of ecology activities will bolster the understanding and trust in the agency held by legislators and the Washingtonians they represent. Therefore, it is the intent of the legislature to require the department of ecology to maintain a list of the department's participation in interagency agreements on its website for the purposes of improving public understanding of the extent and implications of those agreements." [2017 c 47 § 1.]

RCW 43.21A.155 Environmental excellence program agreements—Effect on chapter. Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW. [1997 c 381 § 20.]

Purpose—1997 c 381: See RCW 43.21K.005.

RCW 43.21A.160 Request for certification of records as confidential—Procedure. Whenever any records or other information furnished under the authority of this chapter to the director, the department, or any division of the department, relate to the processes of production unique to the owner or operator thereof, or may affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify, and request that such information or records be made available only for the confidential use of the director, the department, or the appropriate division of the department. The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same. [1970 ex.s. c 62 § 16.]

RCW 43.21A.165 Environmental technology—Review of certification programs—Demonstration activities. (1) The legislature finds that:

(a) New and innovative environmental technologies can help improve environmental quality at lower costs;

(b) Current regulatory processes often include permits or approvals that require applicants to duplicate costly technical analysis;

(c) The commercialization of innovative environmental technologies can be discouraged due to the costs of repeated environmental analysis;

(d) The regulatory process can be improved by sharing and relying on information generated through demonstration projects and technical certification programs; and

(e) Other states have developed programs to certify environmental technologies in order to streamline the permitting process and to encourage use of environmental technologies.

(2) The legislature therefore declares that the department shall:

(a) Review environmental technology certification programs established by other states or federal agencies, and enter into agreements to use the information from these programs if the department finds that this information will improve the efficiency and effectiveness of the state's environmental regulatory process; and

(b) Participate in technology demonstration activities that support the state's needs for environmental technology. [1997 c 419 § 1.]

RCW 43.21A.175 Environmental certification programs—Fees—Rules—Liability.

(1) At the request of a project proponent, the department shall consider information developed through a certification program when making permit or other regulatory decisions. The department may not require duplicative demonstration of such information, but may require additional information as necessary to assure that state requirements are met. A local government that has a regulatory authority delegated by the department may use information developed through a certification program when making permit or other regulatory decisions.

(2) The department shall develop a certification program for technologies for remediation of radioactive and mixed waste, as those terms are defined in chapter 70A.300 RCW, if all program development and operational costs are paid by the federal government or persons seeking certification of the technologies.

(3) Following the development of the certification program in subsection (2) of this section, the department may use the policies and procedures of that program on a pilot basis to evaluate the use of certification for site remediation technologies and other environmental technologies, if the operational costs of the certification are paid by the federal government or persons seeking certification of such technologies.

(4) The department shall charge a reasonable fee to recover the operational costs of certifying a technology.

(5) Subsections (1), (3), and (4) of this section apply to permit and other regulatory decisions made under the following: Chapters 70A.15, 70A.205, 70A.300, 70A.305, 70A.25, 70A.315, 90.48, 90.54, and 90.56 RCW.

(6) For the purposes of this section, "certification program" means a program, developed or approved by the department, to certify the quantitative performance of an environmental technology over a specified range of parameters and conditions. Certification of a technology does not imply endorsement of a specific technology by the department, or a guarantee of the performance of a technology.

(7) The department may adopt rules as necessary to implement the requirements of subsections (2) and (3) of this section, and establish requirements and procedures for evaluation and certification of environmental technologies.

(8) The state, the department, and officers and employees of the state shall not be liable for damages resulting from the utilization of information developed through a certification program, or from a decision to certify or deny certification to an environmental

technology. Actions of the department under this section are not decisions reviewable under RCW 43.21B.110. [2020 c 20 § 1031; 1997 c 419 § 2.]

RCW 43.21A.230 Certification of environmental laboratories authorized—Fees—Use of certified laboratories by persons submitting data or results to department. The director of ecology may certify environmental laboratories which conduct tests or prepare data for submittal to the department. Fees for certification may be charged by the department to cover the department's costs. Such certification may consider:

- (1) Evaluating protocols and procedures;
- (2) Determining the accuracy and reliability of test results, including internal quality assurance and quality control procedures and proficiency at analyzing test samples supplied by the department;
- (3) Certifying laboratories based on prior certification by another state or federal agency whose certification requirements are deemed satisfactory by the director; and
- (4) Such other factors as the director considers appropriate.

The director of ecology may require that any person submitting laboratory data or test results to the department use laboratories certified by the department or laboratories which participate in quality assurance programs administered by the federal environmental protection agency.

Persons receiving a federal permit for wastewater discharge who operate a lab solely for their own use and who require certification for only conventional pollutants shall not be charged an annual certification fee in excess of the actual costs of providing the certification or four thousand dollars, whichever is less. Conventional pollutants as used in this subsection means those conventional pollutants regulated under the federal clean water act (33 U.S.C. Sec. 1314).

Fees and lab quality control requirements for persons receiving state or federal wastewater discharge permits shall not be implemented before September 30, 1988. The department shall not duplicate any laboratory quality control requirements imposed by the United States environmental protection agency. [1987 c 481 § 1.]

RCW 43.21A.235 Exemption from laboratory certification and fee requirements. Laboratories owned by persons holding wastewater discharge permits and operated solely for their own use which participate in quality assurance programs administered by the federal environmental protection agency shall be exempt from certification and fee requirements for the specific methods and tests which are the subject of such quality assurance programs. [1987 c 481 § 2.]

RCW 43.21A.350 Master plan of development. The department of ecology shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall address how the department will expedite the completion of projects of statewide

significance. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the department a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The department shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan. [2009 c 421 § 7; 1997 c 369 § 6; 1987 c 109 § 29; 1965 c 8 § 43.21.190. Prior: 1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3. Formerly RCW 43.21.190.]

Effective date—2009 c 421: See note following RCW 43.157.005.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

Project of statewide significance—Defined: RCW 43.157.010.

RCW 43.21A.355 Master plan of development—Public hearings. The director may hold public hearings, in connection with any duty prescribed in RCW 43.21A.350 and may compel the attendance of witnesses and the production of evidence. [1988 c 127 § 7; 1965 c 8 § 43.21.200. Prior: 1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4. Formerly RCW 43.21.200.]

RCW 43.21A.405 Marine pollution—Baseline study program—Legislative finding and declaration. The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses

by both humans and nonhumans, and the interaction between human activities and natural processes in these waters varies greatly with locale. [2010 c 8 § 7001; 1973 2nd ex.s. c 30 § 1.]

Oil and hazardous substances pollution: RCW 90.56.010 through 90.56.280.

RCW 43.21A.410 Marine pollution—Baseline study program established—Utilization of related programs—Coordination—Contracts. As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to RCW 43.21A.405 through 43.21A.420 should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific investigation programs to be conducted. [1973 2nd ex.s. c 30 § 2.]

RCW 43.21A.415 Marine pollution—Baseline study program—Scope of database produced. The database produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated. [1973 2nd ex.s. c 30 § 3.]

RCW 43.21A.420 Marine pollution—Baseline study program—Priority factors. In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and freshwater life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products. [1973 2nd ex.s. c 30 § 4.]

RCW 43.21A.430 Catalytic converters in police, ambulance or emergency aid vehicles—Department's powers restricted in respect thereto. The department of ecology may not adopt, maintain in effect, or enforce any rule requiring the installation or maintenance of a catalytic converter in the exhaust system of any motor vehicle used as a police vehicle, or ambulance, an emergency aid vehicle, or a fire department vehicle, and any catalytic converter in the exhaust system of any such vehicle may be lawfully removed. [1977 ex.s. c 264 § 1.]

RCW 43.21A.440 Department authorized to participate in and administer federal Comprehensive Environmental Response, Compensation and Liability Act. The department of ecology is authorized to participate fully in and is empowered to administer all programs of the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), as it exists on July 24, 1983, contemplated for state participation and administration under that act. [1983 c 270 § 3.]

Severability—1983 c 270: See note following RCW 90.48.260.

RCW 43.21A.445 Departments authorized to participate in and administer federal Safe Drinking Water Act—Agreements with other departments. The department of ecology, the department of natural resources, the department of health, and the *oil and gas conservation committee are authorized to participate fully in and are empowered to administer all programs of Part C of the federal Safe Drinking Water Act (42 U.S.C. Sec. 300h et seq.), as it exists on June 19, 1986, contemplated for state participation in administration under the act.

The department of ecology, in the implementation of powers provided herein shall enter into agreements of administration with the departments of health and natural resources and the *oil and gas conservation committee to administer those portions of the state program, approved under the federal act, over which the said departments and committee have primary subject-matter authority under existing state law. The departments of health and natural resources and the *oil and gas conservation committee are empowered to enter into such agreements and perform the administration contained therein. [1989 1st ex.s. c 9 § 218; 1988 c 279 § 1; 1983 c 270 § 4.]

***Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9.

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability—1983 c 270: See note following RCW 90.48.260.

Adoption of rules for on-site sewage disposal systems adjacent to marine waters: RCW 90.48.264.

Drinking water quality consumer complaints: RCW 80.04.110.

**RCW 43.21A.450 Control of outflow and level of Lake Osoyoos—
Lake Osoyoos International Water Control Structure authorized.** (1)

The legislature recognizes the need for the state of Washington to implement an understanding reached with the Province of British Columbia in relation to a joint venture with British Columbia for controlling the outflow and level of Lake Osoyoos, an international lake, and in connection therewith to replace an existing lake control structure on the Okanogan river in Washington state which has been classified as deteriorated and unsafe.

(2) For the purpose of implementing subsection (1) of this section, the department of ecology may acquire, design, construct, own, operate, and maintain a project to be known as the Lake Osoyoos International Water Control Structure and may acquire all real property interests necessary thereto by purchase, grant, gift, or eminent domain; provided that the authority of eminent domain as granted to the department under this section is limited to acquiring property necessary for access to the control structure, location of abutments for the control structure, and flowage easements if necessary.

(3) The department may accept and administer grants or gifts from any source for the purpose of carrying out subsection (2) of this section.

(4) The department may exercise its powers under subsection (2) of this section directly or through contracts, except that it may not delegate its authority of eminent domain. The department may also enter into agreements with any public or municipal corporation with respect to operation and maintenance of the project authorized under subsection (2) of this section. [1985 c 27 § 1; 1982 c 76 § 1.]

Intent—1985 c 27; 1982 c 76: "It is the intent of this legislature in enacting RCW 43.21A.450 that total capital costs for the said project be shared equally by Washington state and British Columbia." [1985 c 27 § 2; 1982 c 76 § 2.]

RCW 43.21A.470 Yakima enhancement project—Duties—Request for congressional authorization for pipeline. (1) The director of the department of ecology shall:

(a) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

(b) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

(c) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance, subject to the limitations in subsection (2) of this section, for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

(d) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

(2) In the interest of promoting cooperation between all interested parties and to effectuate the efficient and satisfactory implementation of the Yakima enhancement project, the state requests that Congress authorize the construction of a pipeline between Keechelus Lake and Kachess Lake as one of the elements of early implementation of the Yakima enhancement project for the purpose of supplying the water which is demanded for and caused by the operation of the fish passage facilities at the Easton Dam. The department, in concert with other state agencies, shall work diligently to assure that the pipeline element is included in the federal legislation. [1987 c 517 § 1; 1986 c 316 § 3.]

RCW 43.21A.510 State environmental profile. In order to assist the department of commerce in providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources. [2023 c 470 § 2035; 1995 c 399 § 66; 1985 c 466 § 51; 1984 c 94 § 2.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Effective date—Severability—1985 c 466: See notes following RCW 43.31.125.

Findings—1984 c 94: "The legislature finds (1) that a locality's natural environment is an important factor in determining where new businesses will locate, (2) that environmental regulations that preserve the quality of the environment can enhance economic development and the determination by new businesses where to locate and can lead to the creation of jobs and new industries, and (3) that some areas of the state have been and might be handicapped in their economic development efforts because of perceived environmental problems. Thus, the legislature declares that it is the policy of this state to recognize and emphasize the importance of the state's natural environment in its economic development efforts in attracting and maintaining businesses." [1984 c 94 § 1.]

RCW 43.21A.515 Assistance to businesses interested in locating in Washington required—Information on environmental laws and regulations to be provided. In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of commerce receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This

section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness. [2023 c 470 § 2036; 1995 c 399 § 67; 1985 c 466 § 52; 1984 c 94 § 3.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Effective date—Severability—1985 c 466: See notes following RCW 43.31.125.

Findings—1984 c 94: See note following RCW 43.21A.510.

RCW 43.21A.520 Environmental excellence awards program for products. (1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning products;
- (c) Pest control products;
- (d) Automotive, marine, and related maintenance products;
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) Products receiving an environmental excellence award pursuant to this section shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department. [2010 1st sp.s. c 7 § 87; 1989 c 431 § 47; 1987 c 67 § 1.]

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

RCW 43.21A.530 Puget Sound marine shoreline surveys. (1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping with visual personally identifiable information removed from on-the-water imagery prior to posting.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and

updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands. [2023 c 465 § 2.]

Findings—2023 c 465: "The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations." [2023 c 465 § 1.]

RCW 43.21A.535 Use of Puget Sound marine shoreline surveys in investigations and enforcement actions—Record. The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to RCW 43.21A.530. [2023 c 465 § 3.]

Findings—2023 c 465: See note following RCW 43.21A.530.

RCW 43.21A.600 Powers and duties—Electric power resources. The department shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He or she may cause designs for any such plant to be prepared. He or she shall employ such engineers and other experts and assistants as may be necessary to carry out his or her power resources functions. [2009 c 549 § 5086; 1988 c 127 § 8; 1965 c 8 § 43.21.220. Prior: 1957 c 284 § 2. Formerly RCW 43.21.220.]

Joint operating agencies: Chapter 43.52 RCW.

RCW 43.21A.605 Development of electric power resources—Cooperation with governmental units. The director may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest

insofar as they affect electric power and to this end he or she shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region. [2009 c 549 § 5087; 1988 c 127 § 9; 1965 c 8 § 43.21.230. Prior: 1957 c 284 § 3. Formerly RCW 43.21.230.]

RCW 43.21A.610 Steam electric generating plant—Study—

Construction. The director shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director, the director may construct such plant at a site determined by him or her to be feasible and operate it as a state owned facility. [2009 c 549 § 5088; 1988 c 127 § 10; 1965 c 8 § 43.21.250. Prior: 1957 c 275 § 3. Formerly RCW 43.21.250.]

RCW 43.21A.612 Steam electric generating plant—Statement of intention—Construction by public utility, operating agency, or the department, procedure—Powers of director of commerce. Before the director shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, the director shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director thereof within ten days after the last date of publication of such notice. If the director determines that it is in the best public interest that the director proceed with such construction rather than the public utility or operating agency, the director shall so notify the director of commerce, who shall set a date for hearing thereon. If after considering the evidence introduced the director of commerce finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, the director shall enter an order so finding and such order shall divest the director of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director shall have the same authority to proceed as though the director had originally entered an order so authorizing the director to proceed. If, after considering the evidence introduced, the director of commerce finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to

serve the public interest, the director shall then enter an order so finding and authorizing the director to proceed with the construction or acquisition of the facility. [2023 c 470 § 2037; 1995 c 399 § 68; 1988 c 127 § 11; 1985 c 466 § 49; 1965 c 8 § 43.21.260. Prior: 1957 c 275 § 4. Formerly RCW 43.21.260.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Effective date—Severability—1985 c 466: See notes following RCW 43.31.125.

RCW 43.21A.614 Steam electric generating plant—Powers of director in constructing, operating and maintaining. In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21A.610 the director shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director. When any revenue bonds or warrants are outstanding the director shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as

the director shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the director. [1988 c 127 § 12; 1965 c 8 § 43.21.270. Prior: 1957 c 275 § 5. Formerly RCW 43.21.270.]

RCW 43.21A.616 Steam electric generating plant—Eminent domain.

For the purpose of carrying out any or all of the powers herein granted the director shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21A.610 through 43.21A.642 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director into possession of any property condemned. [1988 c 127 § 13; 1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6. Formerly RCW 43.21.280.]

RCW 43.21A.618 Steam electric generating plant—State not financially obligated—Separation and expenditure of funds. The director shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21A.610 through 43.21A.642.

No revenues received by the director for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director and all such revenues and receipts shall be kept and maintained in a separate fund. [1988 c 127 § 14; 1965 c 8 § 43.21.290. Prior: 1957 c 275 § 7. Formerly RCW 43.21.290.]

RCW 43.21A.620 Steam electric generating plant—Revenue bonds and warrants. For the purposes provided for in RCW 43.21A.610 through 43.21A.642, the state finance committee shall, upon being notified to do so by the director, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21A.610. When the director deems it advisable that he or she acquire or construct said steam electric plant or make additions or betterments thereto, he or she shall so notify the state finance committee and he or she shall also notify the state finance committee as to the plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or

plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21A.610 through 43.21A.642 shall distinctly state that they are not a general obligation of the state. [2009 c 549 § 5089; 1988 c 127 § 15; 1965 c 8 § 43.21.300. Prior: 1957 c 275 § 8. Formerly RCW 43.21.300.]

RCW 43.21A.622 Steam electric generating plant—Special funds—Payment of bonds, interest. When the state finance committee issues revenue bonds as provided in RCW 43.21A.620, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine. [1988 c 127 § 16; 1965 c 8 § 43.21.310. Prior: 1957 c 275 § 9. Formerly RCW 43.21.310.]

RCW 43.21A.624 Steam electric generating plant—Considerations in issuance of bonds, limitations. In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it. [1988 c 127 § 17; 1965 c 8 § 43.21.320. Prior: 1957 c 275 § 10. Formerly RCW 43.21.320.]

RCW 43.21A.626 Steam electric generating plant—Resolution authorizing issuance of bonds, contents, covenants. The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director from the operation, ownership, and management of its steam electric utility. [1988 c 127 § 18; 1965 c 8 § 43.21.330. Prior: 1957 c 275 § 11. Formerly RCW 43.21.330.]

RCW 43.21A.628 Steam electric generating plant—Sale of bonds. All bonds issued under or by authority of RCW 43.21A.610 through 43.21A.642 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. [1988 c 127 § 19; 1970 ex.s. c 56 § 61; 1969 ex.s. c 232 § 32; 1965 c 8 § 43.21.340. Prior: 1957 c 275 § 12. Formerly RCW 43.21.340.]

Purpose—1970 ex.s. c 56: See note following RCW 39.52.020.

Validation—Saving—Severability—1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 43.21A.630 Steam electric generating plant—Examination, registration of bonds by state auditor—Defects, irregularities.

Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he or she may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him or her for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him or her for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof. [2009 c 549 § 5090; 1965 c 8 § 43.21.350. Prior: 1957 c 275 § 13. Formerly RCW 43.21.350.]

RCW 43.21A.632 Steam electric generating plant—Rates or charges. When revenue bonds are outstanding the director shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal of and interest on revenue bonds outstanding, and all payments which the director is obligated to make to the state treasurer for deposit in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof. [1988 c 127 § 20; 1965 c 8 § 43.21.360. Prior: 1957 c 275 § 14. Formerly RCW 43.21.360.]

RCW 43.21A.634 Steam electric generating plant—Refunding revenue bonds. When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds shall be payable only out of a special fund created out of the gross revenue of the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21A.610 through 43.21A.642 with respect to revenue bonds. [1988 c 127 § 21; 1965 c 8 § 43.21.370. Prior: 1957 c 275 § 15. Formerly RCW 43.21.370.]

RCW 43.21A.636 Steam electric generating plant—Signatures on bonds. All revenue bonds, including refunding revenue bonds, shall be

signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. [1965 c 8 § 43.21.380. Prior: 1957 c 275 § 16. Formerly RCW 43.21.380.]

RCW 43.21A.638 Steam electric generating plant—Provisions of law, resolution, a contract with bondholder—Enforcement. The provisions of RCW 43.21A.610 through 43.21A.642 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21A.610 through 43.21A.642 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction. [1988 c 127 § 22; 1965 c 8 § 43.21.390. Prior: 1957 c 275 § 17. Formerly RCW 43.21.390.]

RCW 43.21A.640 Steam electric generating plant—Bonds are legal security, investment, negotiable. All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law. [1965 c 8 § 43.21.400. Prior: 1957 c 275 § 18. Formerly RCW 43.21.400.]

RCW 43.21A.642 Steam electric generating plant—Director not authorized to acquire other facilities or engage in retail distribution. Nothing in RCW 43.21A.610 through 43.21A.642 shall authorize or empower the director to purchase or acquire any transmission or distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation. [1988 c 127 § 23; 1965 c 8 § 43.21.410. Prior: 1957 c 275 § 19. Formerly RCW 43.21.410.]

RCW 43.21A.650 Freshwater aquatic weeds account. The freshwater aquatic weeds account is hereby created in the state treasury. Expenditures from this account may only be used as provided in RCW 43.21A.660. Moneys in the account may be spent only after appropriation. [1991 c 302 § 2.]

Findings—1991 c 302: "The legislature hereby finds that Eurasian water milfoil and other freshwater aquatic weeds can adversely affect

fish populations, reduce habitat for desirable plant and wildlife species, and decrease public recreational opportunities. The legislature further finds that the spread of freshwater aquatic weeds is a statewide problem and requires a coordinated response among state agencies, local governments, and the public. It is therefore the intent of the legislature to establish a funding source to reduce the propagation of Eurasian water milfoil and other freshwater aquatic weeds and to manage the problems created by such freshwater aquatic plants." [1991 c 302 § 1.]

Effective date—1991 c 302: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, except section 3 of this act shall be effective for vehicle registrations that expire August 31, 1992, and thereafter." [1991 c 302 § 6.]

RCW 43.21A.660 Freshwater aquatic weeds management program.

Funds in the freshwater aquatic weeds account may be appropriated to the department of ecology to develop a freshwater aquatic weeds management program. Funds shall be expended as follows:

(1) No less than two-thirds of the appropriated funds shall be issued as grants to (a) cities, counties, tribes, special purpose districts, and state agencies to prevent, remove, reduce, or manage excessive freshwater aquatic weeds; (b) fund demonstration or pilot projects consistent with the purposes of this section; and (c) fund hydrilla eradication activities in waters of the state. Except for hydrilla eradication activities, such grants shall only be issued for lakes, rivers, or streams with a public boat launching ramp or which are designated by the department of fish and wildlife for fly-fishing. The department shall give preference to projects having matching funds or in-kind services;

(2) No more than one-third of the appropriated funds shall be expended to:

(a) Develop public education programs relating to preventing the propagation and spread of freshwater aquatic weeds; and

(b) Provide technical assistance to local governments and citizen groups; and

(3) During the 2009-2011 fiscal biennium, the legislature may transfer from the freshwater aquatic weeds account to the state general fund such amounts as reflect the excess fund balance of the account; [and]

(4) During the 2011-2013 fiscal biennium, excess funds in the freshwater aquatic weeds account may be appropriated to the department of agriculture to support the invasive knotweed program. [2011 2nd sp.s. c 9 § 907; 2011 c 5 § 907; 1999 c 251 § 1; 1996 c 190 § 1; 1991 c 302 § 4.]

Effective dates—2011 2nd sp.s. c 9: See note following RCW 28B.50.837.

Effective date—2011 c 5: See note following RCW 43.79.487.

Findings—Effective date—1991 c 302: See notes following RCW 43.21A.650.

RCW 43.21A.662 Freshwater aquatic weeds management program—Advisory committee.

(1) The department shall appoint an advisory committee to oversee the freshwater aquatic weeds management program.

(2) The advisory committee shall include representatives from the following groups:

(a) Recreational boaters interested in freshwater aquatic weed management;

(b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;

(c) Local governments;

(d) Scientific specialists;

(e) Pesticide registrants, as defined in *RCW 15.58.030(34);

(f) Certified pesticide applicators, as defined in **RCW 17.21.020(5), who specialize in the use of aquatic pesticides; and

(g) If ***chapter . . ., Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the aquatic nuisance species coordinating committee.

(3) The advisory committee shall review and provide recommendations to the department on freshwater aquatic weeds management program activities and budget and establish criteria for grants funded from the freshwater aquatic weeds account. [1999 c 251 § 2.]

Reviser's note: *(1) RCW 15.58.030 was amended by 2000 c 96 § 1, changing subsection (34) to subsection (35). RCW 15.58.030 was subsequently amended by 2003 c 212 § 1, changing subsection (35) to subsection (36). RCW 15.58.030 was subsequently amended by 2011 c 103 § 35, changing subsection (36) to subsection (35).

** (2) RCW 17.21.020 was amended by 2001 c 333 § 1, changing subsection (5) to subsection (6), effective July 1, 2002.

*** (3) Senate Bill No. 5315 (1999) was not enacted into law by June 30, 1999.

RCW 43.21A.667 Aquatic algae control account—Freshwater and saltwater aquatic algae control program.

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

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

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

(b) To provide technical assistance to applicants and the public about aquatic algae control.

(3) For the purposes of this section, "saltwater nuisance algae" means native invasive algae (sea lettuce), nonnative invasive algae, and algae producing harmful toxins. [2014 c 76 § 1. Prior: 2011 c 171 § 7; 2011 c 169 § 2; 2011 c 5 § 908; 2009 c 564 § 933; 2005 c 464 § 4.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—2011 c 5: See note following RCW 43.79.487.

Effective date—2009 c 564: See note following RCW 2.68.020.

Findings—Intent—2005 c 464: See note following RCW 88.02.560.

RCW 43.21A.680 Solid waste plan advisory committee abolished.

The director of ecology shall abolish the solid waste plan advisory committee effective July 1, 1994. [1994 sp.s. c 9 § 804.]

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.21A.681 Geoduck aquaculture operations—Guidelines—Rules.

(1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4, chapter 216, Laws of 2007, which shall serve as the advisory committee for the development of the guidelines.

(2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4, chapter 216, Laws of 2007.

(3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under RCW 28B.20.475. [2007 c 216 § 5.]

RCW 43.21A.690 Cost-reimbursement agreements.

(1) The department may enter into a written cost-reimbursement agreement with a permit applicant or project proponent to recover from the applicant or proponent the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The cost-reimbursement agreement shall identify the tasks and costs for work to be conducted under the agreement. The agreement must include a schedule that states:

(a) The estimated number of weeks for initial review of the permit application;

(b) The estimated number of revision cycles;

(c) The estimated number of weeks for review of subsequent revision submittals;

(d) The estimated number of billable hours of employee time;

(e) The rate per hour; and

(f) A date for revision of the agreement if necessary.

(3) The written cost-reimbursement agreement shall be negotiated with the permit applicant or project proponent. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to hire temporary employees, to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants or hire temporary employees to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

(4) The cost-reimbursement agreement must not negatively impact the processing of other permit applications. In order to maintain permit processing capacity, the agency may hire outside consultants, temporary employees, or make internal administrative changes. Consultants or temporary employees hired as part of a cost-reimbursement agreement or to maintain agency capacity are hired as agents of the state not of the permit applicant. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement. [2009 c 97 § 8; 2007 c 94 § 10; 2003 c 70 § 1; 2000 c 251 § 2.]

Intent—2000 c 251: "It is the intent of the legislature to allow applicants for environmental permits for complex projects to compensate permitting agencies for providing environmental review through the voluntary negotiation of cost-reimbursement agreements with the permitting agency. It is the further intent of the legislature that cost-reimbursement agreements for complex projects free permitting agency resources to focus on the review of small projects permits." [2000 c 251 § 1.]

Captions not law—2000 c 251: "Captions used in this act are not any part of the law." [2000 c 251 § 8.]

Effective date—2000 c 251: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2000]." [2000 c 251 § 9.]

RCW 43.21A.700 Transfer of ownership of department-owned vessel—Review of vessel's physical condition. (1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human

health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method. [2013 c 291 § 23.]

RCW 43.21A.702 Transfer of ownership of department-owned vessel

—Further requirements. (1) Following the inspection required under RCW 43.21A.700 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2) (a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(3) Prior to sale, and unless the vessel has a valid marine document, the department is required to apply for a title or certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550. [2020 c 20 § 1032; 2013 c 291 § 24.]

RCW 43.21A.711 Used oil contaminated with polychlorinated biphenyl—Petition for reimbursement of extraordinary costs—Processing and prioritizing petitions—Prioritized list to the legislature. (1)

Cities and counties may submit a petition to the department for reimbursement of extraordinary costs associated with managing unforeseen consequences of used oil contaminated with polychlorinated biphenyl and compliance with United States environmental protection agency enforcement orders and enforcement-related agreements.

(2) The department, in consultation with city and county moderate risk waste coordinators, the United States environmental protection agency, and other stakeholders, must process and prioritize city and county petitions that meet the following conditions:

(a) The petitioning city or county has followed and met:

(i) The updated best management practices guidelines for the collection and management of used oil; and

(ii) The best management practices for preventing and managing polychlorinated biphenyl contamination, as required under RCW 70A.224.030; and

(b) The department has determined that:

(i) The costs to the petitioning city or county for disposal of the contaminated oil or for compliance with United States

environmental protection agency enforcement orders or enforcement-related agreements are extraordinary; and

(ii) The city or county could not reasonably accommodate or anticipate the extraordinary costs in their normal budget processes by following and meeting the best management practices for oil contaminated with polychlorinated biphenyl.

(3) Before January 1st of each year, the department must develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that the department recommends for funding by the legislature. It is the intent of the legislature that if funded, the reimbursement of extraordinary city or county costs associated with polychlorinated biphenyl management and compliance activities come from the model toxics control operating account created in RCW 70A.305.180. [2020 c 20 § 1033; 2014 c 173 § 3.]

RCW 43.21A.721 Grants to emergency responders—Assistance to meet the requirements of chapter 274, Laws of 2015. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of ecology shall provide grants to emergency responders to assist with oil spill and hazardous materials response and firefighting equipment and resources needed to meet the requirements of chapter 274, Laws of 2015.

(2) For the purposes of determining grant allocations, the department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall: (a) Conduct an evaluation of oil spill and hazardous materials response and firefighting equipment and resources currently available for oil spill and hazardous materials response activities throughout the state; (b) review the local emergency management coordinating efforts for oil spill and hazardous materials response; (c) determine the need for additional, new, or updated equipment and resources; and (d) identify areas or regions of the state that are in greatest need of resources and oil spill and hazardous materials response and firefighting equipment.

(3) The department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall review grant applications to prioritize grant awards using the evaluation of availability of oil spill and hazardous materials response and firefighting equipment and resources as determined in subsection (2) of this section.

(a) The application review must include evaluation of equipment and resource requests, funding requirements, and coordination with existing equipment and resources in the area.

(b) Funding must be prioritized for applicants from areas where the need for firefighting and oil spill and hazardous materials response equipment is the greatest as determined in subsection (2) of this section.

(c) Grants must be coordinated to maximize currently existing equipment and resources that have been put in place by first responders and industry. [2015 c 274 § 26.]

Effective date—2015 c 274: See note following RCW 90.56.005.

RCW 43.21A.730 Office of Chehalis basin. (1) The office of Chehalis basin is established in the department. The primary purpose of the office is to aggressively pursue implementation of an integrated strategy and administer funding for long-term flood damage reduction and aquatic species restoration in the Chehalis river basin.

(2) The office of Chehalis basin must be funded from appropriations specified for Chehalis river basin-related flood hazard reduction and habitat recovery activities.

(3) In operating the office, the department must follow, to the greatest extent practicable, the model being used to administer the Columbia river basin water supply program established in chapter 6, Laws of 2006. [2016 c 194 § 1.]

RCW 43.21A.731 Chehalis board. (1) The Chehalis board is created consisting of seven voting members.

(2) (a) Four members of the board must be voting members who are appointed through the governor. The governor shall invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a voting member of the board, each of which may also designate a voting alternate member of the board. In addition, the governor shall appoint two members of the board, subject to confirmation by the senate. Three board members must be selected by the Chehalis basin flood authority. No member may have a direct financial interest in the actions of the board. The governor shall appoint one of the flood authority appointees as the chair. The voting members of the board must be appointed for terms of four years, except that one member appointed by the governor and one member appointed by the flood authority initially must be appointed for terms of two years, and one member appointed by the governor and two members appointed by the flood authority must initially be appointed for terms of three years. In making the appointments, each appointing authority shall seek a board membership that collectively provides the expertise necessary to provide strong oversight for implementation of the Chehalis basin strategy, that provides extensive knowledge of local government processes and functions, and that has an understanding of issues relevant to reducing flood damages and restoring aquatic species.

(b) In addition to the seven voting members of the board, the following five state officials must serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the Washington state conservation commission, the secretary of the department of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. These designations must be made in writing and in such a manner as is specified by the board.

(3) Staff support to the board must be provided by the department. For administrative purposes, the board is located within the department.

(4) Members of the board who do not represent state agencies must be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(5) The board is responsible for oversight of a long-term strategy resulting from the department's programmatic environmental

impact statement for the Chehalis river basin to reduce flood damages and restore aquatic species habitat.

(6) The board is responsible for overseeing the implementation of the strategy and developing biennial and supplemental budget recommendations to the governor. [2020 c 17 § 1; 2017 c 27 § 1; 2016 c 194 § 2.]

Effective date—2017 c 27: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 17, 2017]." [2017 c 27 § 2.]

RCW 43.21A.732 Chehalis basin strategy. The Chehalis basin strategy must include a detailed set of actions to reduce flood damage and improve aquatic species habitat. The strategy must be amended by the Chehalis board as necessary to include new scientific information and needed changes to the actions to achieve the overall purpose of the strategy. The strategy must include an implementation schedule and quantified measures for evaluating the success of implementation. [2016 c 194 § 3.]

RCW 43.21A.733 Chehalis basin account. The Chehalis basin account is created in the state treasury. All receipts from direct appropriations from the legislature, including the proceeds of tax exempt bonds, or moneys directed to the account from any other sources must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in RCW 43.21A.730 and for the payment of expenses incurred in the issuance and sale of bonds. [2016 c 194 § 4.]

RCW 43.21A.734 Chehalis basin taxable account. The Chehalis basin taxable account is created in the state treasury. All receipts from the proceeds of taxable bonds for the office of Chehalis basin, as well as other moneys directed to the account, must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in RCW 43.21A.730 and for the payment of expenses incurred in the issuance and sale of the bonds. [2020 c 221 § 4.]

RCW 43.21A.736 Cannabis product testing—Fees—Rules. By July 1, 2024, the department must, in consultation with the liquor and cannabis board, adopt rules to implement section 2, chapter 277, Laws of 2019. [2019 c 277 § 5.]

RCW 43.21A.740 Environmental justice obligations of the department of ecology. The department must apply and comply with the substantive and procedural requirements of chapter 70A.02 RCW. [2021 c 314 § 5.]

Conflict with federal requirements—2021 c 314: See note following RCW 70A.02.005.

RCW 43.21A.900 Chapter to be liberally construed. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the broad purposes set forth in RCW 43.21A.020. [1970 ex.s. c 62 § 27.]

RCW 43.21A.910 Savings—Permits, standards not affected—Severability—Effective date—1970 ex.s. c 62. See notes following RCW 43.21A.010.