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HOUSE BILL 1837

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Chandler and Dellwo

Read first time 02/10/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water quality account distributions; amending  
2 RCW 70.146.020 and 70.146.075; reenacting and amending RCW 70.146.060;  
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended  
6 to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Account" means the water quality account in the state  
10 treasury.

11 (2) "Department" means the department of ecology.

12 (3) "Eligible cost" means the cost of that portion of a water  
13 pollution control facility that can be financed under this chapter  
14 excluding any portion of a facility's cost attributable to capacity  
15 that is in excess of that reasonably required to address one hundred  
16 ten percent of the applicant's needs for water pollution control  
17 existing at the time application is submitted for assistance under this  
18 chapter.

1 (4) "Water pollution control facility" or "facilities" means any  
2 facilities or systems for the control, collection, storage, treatment,  
3 disposal, or recycling of wastewater, including but not limited to  
4 sanitary sewage, storm water, residential, commercial, industrial, and  
5 agricultural wastes, which are causing water quality degradation due to  
6 concentrations of conventional, nonconventional, or toxic pollutants.  
7 Water pollution control facilities include all equipment, utilities,  
8 structures, real property, and interests in and improvements on real  
9 property necessary for or incidental to such purpose. Water pollution  
10 control facilities also include such facilities, equipment, and  
11 collection systems as are necessary to protect federally designated  
12 sole source aquifers.

13 ~~(5) ("Water pollution control activities" means actions taken by~~  
14 ~~a public body for the following purposes:—(a) To prevent or mitigate~~  
15 ~~pollution of underground water; (b) to control nonpoint sources of~~  
16 ~~water pollution; (c) to restore the water quality of fresh water lakes;~~  
17 ~~and (d) to maintain or improve water quality through the use of water~~  
18 ~~pollution control facilities or other means.— During the 1993–1995~~  
19 ~~fiscal biennium, "water pollution control activities" includes~~  
20 ~~activities by state agencies to protect public drinking water supplies~~  
21 ~~and sources.~~

22 ~~(6))~~ "Public body" means the state of Washington or any agency,  
23 county, city or town, conservation district, other political  
24 subdivision, municipal corporation, quasi-municipal corporation, and  
25 those Indian tribes now or hereafter recognized as such by the federal  
26 government.

27 ~~((7))~~ (6) "Water pollution" means such contamination, or other  
28 alteration of the physical, chemical, or biological properties of any  
29 waters of the state, including change in temperature, taste, color,  
30 turbidity, or odor of the waters, or such discharge of any liquid,  
31 gaseous, solid, radioactive, or other substance into any waters of the  
32 state as will or is likely to create a nuisance or render such waters  
33 harmful, detrimental, or injurious to the public health, safety, or  
34 welfare, or to domestic, commercial, industrial, agricultural,  
35 recreational, or other legitimate beneficial uses, or to livestock,  
36 wild animals, birds, fish, or other aquatic life.

37 ~~((8))~~ (7) "Nonpoint source water pollution" means pollution that  
38 enters any waters of the state from any dispersed water-based or land-  
39 use activities, including, but not limited to, atmospheric deposition,

1 surface water runoff from agricultural lands, urban areas, and forest  
2 lands, subsurface or underground sources, and discharges from boats or  
3 other marine vessels.

4 ~~((9))~~ (8) "Sole source aquifer" means the sole or principal  
5 source of public drinking water for an area designated by the  
6 administrator of the environmental protection agency pursuant to Public  
7 Law 93-523, Sec. 1424(b).

8 (9) "Point source" means any discernible, confined, and discrete  
9 conveyance, including but not limited to any pipe, ditch, channel,  
10 tunnel, conduit, well, discrete fissure, container, rolling stock,  
11 concentrated animal feeding operation, or vessel or other floating  
12 craft, from which pollutants are discharged.

13 **Sec. 2.** RCW 70.146.060 and 1987 c 527 s 1 and 1987 c 436 s 7 are  
14 each reenacted and amended to read as follows:

15 (1) During the period from July 1, ~~((1987))~~ 1995, until June 30,  
16 ~~((1995))~~ 2005, the following limitations shall apply to the  
17 department's total distribution of funds appropriated from the water  
18 quality account:

19 ~~((1) Not more than))~~ (a) Fifty percent for ((water pollution  
20 control facilities which discharge directly into marine waters))  
21 activities to control water pollution from point sources; and

22 ~~((2) Not more than twenty percent for water pollution control~~  
23 ~~activities that prevent or mitigate pollution of underground waters and~~  
24 ~~facilities that protect federally designated sole source aquifers with~~  
25 ~~at least two thirds for the Spokane Rathdrum Prairie Aquifer;~~

26 (3) ~~Not more than ten percent for water pollution control~~  
27 ~~activities that protect freshwater lakes and rivers including but not~~  
28 ~~limited to Lake Chelan and the Yakima and Columbia rivers;~~

29 (4) ~~Not more than ten percent for activities which control nonpoint~~  
30 ~~source water pollution;~~

31 (5) ~~Ten percent and such sums as may be remaining from the~~  
32 ~~categories specified in subsections (1) through (4) of this section for~~  
33 ~~water pollution control activities or facilities as determined by the~~  
34 ~~department; and~~

35 (6) ~~Two and one half percent of the total amounts of moneys under~~  
36 ~~subsections (1) through (5) of this section from February 21, 1986,~~  
37 ~~until December 31, 1995, shall be appropriated biennially to the state~~  
38 ~~conservation commission for the purposes of this chapter. Not less~~

1 ~~than ten percent of the moneys received by the state conservation~~  
2 ~~commission under the provisions of this section shall be expended on~~  
3 ~~research activities.)~~ (b) Fifty percent for activities that control  
4 water pollution from nonpoint sources. Fifty percent of the funds  
5 distributed under this subsection (1)(b) shall be appropriated  
6 biennially to the state conservation commission.

7 (2) The distribution under this section shall not be required to be  
8 met in any single fiscal year.

9 (3) Funds provided for facilities and activities under this chapter  
10 may be used for payments to a service provider under a service  
11 agreement pursuant to RCW 70.150.060. If funds are to be used for such  
12 payments, the department may make periodic disbursements to a public  
13 body or may make a single lump sum disbursement. Disbursements of  
14 funds with respect to a facility owned or operated by a service  
15 provider shall be equivalent in value to disbursements that would  
16 otherwise be made if that facility were owned or operated by a public  
17 body. Payments under this chapter for waste disposal and management  
18 facilities made to public bodies entering into service agreements  
19 pursuant to RCW 70.150.060 shall not exceed amounts paid to public  
20 bodies not entering into service agreements.

21 **Sec. 3.** RCW 70.146.075 and 1987 c 516 s 1 are each amended to read  
22 as follows:

23 (1) The department of ecology may enter into contracts with local  
24 jurisdictions which provide for extended grant payments under which  
25 eligible costs may be paid on an advanced or deferred basis.

26 (2) Extended grant payments shall be in equal annual payments, the  
27 total of which does not exceed, on a net present value basis, fifty  
28 percent of the total eligible cost of the project incurred at the time  
29 of design and construction. The duration of such extended grant  
30 payments shall be for a period not to exceed twenty years. The total  
31 of federal and state grant moneys received for the eligible costs of  
32 the project shall not exceed fifty percent of the eligible costs.

33 (3) Any moneys appropriated by the legislature from the water  
34 quality account shall be first used by the department of ecology to  
35 satisfy the conditions of the extended grant payment contracts.

36 (4) By July 1, 1995, the department shall enter into an extended  
37 grant contract for the prevention and mitigation of water pollution to  
38 the federally designated sole source aquifer in the Spokane Rathdrum

1 Prairie. The contract shall provide five million dollars annually and  
2 shall terminate at the end of the 2003-2005 biennium.

3 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and shall take  
6 effect immediately.

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