
HOUSE BILL 1902

State of Washington

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By Representatives Johanson, Long, Foreman, Appelwick, Riley, Mastin, Forner, Ludwig, Van Luven, Horn, Mielke, Brumsickle, Schoesler, Sheahan, Casada, Chandler, Lisk, Karahalios, Flemming, Eide, Lemmon, Sheldon, Miller, Bray, Vance and Cooke

Read first time 02/15/93. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to the issuing of sediment impact zone permits for
2 the discharge of polluted storm water onto third-party property; adding
3 a new section to chapter 90.48 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW
6 to read as follows:

7 (1) A state or local government agency that may issue a sediment
8 impact zone permit for the discharge of polluted storm water according
9 to chapter 173-204 WAC onto private property not owned by the permittee
10 or licensee without the express written consent of the owner of the
11 private property, must include a condition in the permit that requires
12 the discharger to obtain the private property owners permission within
13 six months. However, if the permittee or licensee and the private
14 property owner cannot reach agreement regarding terms for consent of
15 the discharge, then the dispute shall be settled by mandatory binding
16 arbitration within an additional six months.

17 (2) If a private property landowner has substantial reason to
18 believe that a storm water discharge may require a sediment impact
19 zone, the property owner may petition the Washington state department

1 of ecology to have the discharger conduct a monitoring program to
2 determine if a sediment impact zone is required. If the Washington
3 state department of ecology determines the petition to have merit, the
4 department shall require the discharger to conduct a monitoring study
5 for that discharge. If the department finds the discharge to require
6 a sediment impact zone, then the department shall require the
7 discharger to obtain the permit.

8 (3) Notification to landowners shall be deemed to be sufficient if
9 the notification is consistent with chapter 173-204 WAC. If a
10 landowner, who is part of a sediment impact zone, is discovered at a
11 later date, the provisions of subsection (1) of this section shall
12 apply.

13 (4) State and local government agencies, who are permitted
14 dischargers, are liable under chapter 70.105D RCW for all cleanup
15 costs, natural resource damages, and for all legal costs for damage
16 that they caused.

17 (5) The department shall not allow a sediment impact zone to exceed
18 sediment impact zone maximum criteria.

19 (6) For the purpose of this section, "pollution" means a substance
20 that could give rise to liability for cleanup under chapter 70.105D RCW
21 or 42 U.S.C. Secs. 9601 through 9675.

22 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

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