

2 **SHB 2875 - H AMD 205 WITHDRAWN 2-12-96**  
3 By Representatives Romero and others

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 90.70.001 and 1985 c 451 s 1 are each amended to read  
8 as follows:

9 The legislature finds that Puget Sound and related inland marine  
10 waterways of Washington state represent a unique and unparalleled  
11 resource. A rich and varied range of marine organisms, composing an  
12 interdependent, sensitive communal ecosystem reside in these sheltered  
13 waters. Residents of this region enjoy a way of life centered around  
14 the waters of Puget Sound, featuring accessible recreational  
15 opportunities, world-class port facilities and water transportation  
16 systems, harvest of marine food resources, shoreline-oriented life  
17 styles, water-dependent industries, tourism, irreplaceable aesthetics  
18 and other activities, all of which to some degree depend upon a clean  
19 and healthy marine resource.

20 ~~((The legislature further finds that the consequences of careless  
21 husbanding of this resource have been dramatically illustrated in  
22 inland waterways associated with older and more extensively developed  
23 areas of the nation. Recent reports concerning degradation of water  
24 quality within this region's urban embayments raise alarming  
25 possibilities of similar despoliation of Puget Sound and other state  
26 waterways. These examples emphasize that the costs of restoration of  
27 aquatic resources, where such restoration is possible, greatly exceed  
28 the costs of responsible preservation.))~~

29 The legislature declares that utilization of the Puget Sound  
30 resource carries a custodial obligation for preserving it. The people  
31 of the state have the unique opportunity to preserve this gift of  
32 nature, an understanding of the results of inattentive stewardship, the  
33 technical knowledge needed for control of degradation of Puget Sound,  
34 and the obligation to undertake such control.

35 The legislature further finds that the large number of governmental  
36 entities that now affect the ~~((water quality))~~ health of Puget Sound

1 have diverse interests and limited jurisdictions which cannot  
2 adequately address the cumulative, wide-ranging impacts which  
3 contribute to the degradation of Puget Sound. In accordance with the  
4 purpose of chapter 403, Laws of 1995, the regulatory reform act of  
5 1995, governments at all levels should better coordinate their efforts  
6 to avoid confusing and frustrating the public with overlapping or  
7 contradictory requirements. Greater water quality protection in Puget  
8 Sound can be achieved by establishing a cooperative partnership between  
9 public and private entities and state agencies that emphasizes  
10 technical assistance, education, incentives, and dispute resolution.  
11 It is therefore the policy of the state of Washington to create a  
12 single entity with adequate resources to develop and maintain a  
13 comprehensive plan for water quality protection in Puget Sound (~~(to be~~  
14 ~~implemented by existing state and local government agencies)) and to~~  
15 assist state and local governments, citizens, and the private sector in  
16 implementing that plan.

17 **Sec. 2.** RCW 90.70.011 and 1990 c 115 s 2 are each amended to read  
18 as follows:

19 (1) There is established the Puget Sound water quality authority  
20 composed of eleven members. Nine members shall be appointed by the  
21 governor and confirmed by the senate. In addition, the commissioner of  
22 public lands or the commissioner's designee and the director of ecology  
23 or the director's designee shall serve as ex officio members. Three of  
24 the members shall include a representative from the counties, a  
25 representative from the cities, and a tribal representative. The  
26 director of ecology shall be chair of the authority. In making these  
27 appointments, the governor shall seek to include representation of the  
28 variety of interested parties concerned about Puget Sound water  
29 quality, including representation from the business and environmental  
30 communities. Appointments shall reflect the geographic balance and  
31 diversity of population within the Puget Sound basin. ((Of the  
32 ~~appointed members, at least one shall be selected from each of the six~~  
33 ~~congressional districts surrounding Puget Sound.)) Members shall serve~~  
34 ~~four-year terms. ((Of the initial members appointed to the authority,~~  
35 ~~two shall serve for two years, two shall serve for three years, and two~~  
36 ~~shall serve for four years. Thereafter members shall be appointed to~~  
37 ~~four-year terms. Members representing cities, counties, and the tribes~~  
38 ~~shall also serve four-year staggered terms, as determined by the~~

1 ~~governor.~~) Vacancies shall be filled by appointment for the remainder  
2 of the unexpired term of the position being vacated. The executive  
3 director of the authority shall be selected by the governor and shall  
4 serve at the pleasure of the governor. The executive director shall  
5 not be a member of the authority.

6 (2) Members shall be compensated as provided in RCW 43.03.250.  
7 Members shall be reimbursed for travel expenses as provided in RCW  
8 43.03.050 and 43.03.060.

9 (3) The executive director of the authority shall be a full-time  
10 employee responsible for the administration of all functions of the  
11 authority, including hiring and terminating staff, budget preparation,  
12 contracting, coordinating with the governor, the legislature, and other  
13 state and local entities, and the delegation of responsibilities as  
14 deemed appropriate. The salary of the executive director shall be  
15 fixed by the governor, subject to RCW 43.03.040.

16 (4) ~~((The authority shall prepare a budget and a work plan.~~  
17 ~~(5))~~) Not more than four employees of the authority may be exempt  
18 from the provisions of chapter 41.06 RCW.

19 ~~((6))~~ (5) The executive director and staff of the authority shall  
20 be located in the Olympia area, as space becomes available. The  
21 department of general administration shall house the authority within  
22 the department of ecology.

23 **Sec. 3.** RCW 90.70.055 and 1990 c 115 s 4 are each amended to read  
24 as follows:

25 The authority shall:

26 (1) Prepare ~~((and))~~, adopt, and revise a comprehensive Puget Sound  
27 water quality management plan, as defined in RCW 90.70.060, and a  
28 strategy for implementing the plan. In preparing the plan and any  
29 substantial revisions to the plan, the authority shall consult with its  
30 advisory committee or committees and appropriate federal, state,  
31 ~~((and))~~ local, and private agencies. The authority shall also solicit  
32 extensive participation by the public by whatever means it finds  
33 appropriate, including public hearings throughout communities bordering  
34 or near Puget Sound, dissemination of information through the news  
35 media, public notices, and mailing lists, and the organization of  
36 workshops, conferences, and seminars;

1       (2) ~~((During the plan's initial development and any subsequent~~  
2 ~~revisions, submit annual progress reports on plan revisions and~~  
3 ~~implementation to the governor and the legislature.~~

4       ~~(3) Submit the plan to the governor and the legislature no later~~  
5 ~~than January 1, 1987. The authority shall)) Review, revise, and submit~~  
6 ~~the plan to the governor and appropriate committees of the legislature~~  
7 ~~at least every ((four)) six years ((and revise the plan, as deemed~~  
8 ~~appropriate, and shall submit the plan by July 1, 1994, and every four~~  
9 ~~years thereafter)));~~

10       ~~((4)) (3) Prepare a biennial "state of the Sound" report and~~  
11 ~~submit such report to the governor, the legislature, and the state~~  
12 ~~agencies and local governments identified in the plan((. Copies of the~~  
13 ~~report shall be made available to the public. The report shall~~  
14 ~~describe the current condition of water quality and related resources~~  
15 ~~in Puget Sound and shall include:~~

16       ~~(a) The status and condition of the resources of Puget Sound,~~  
17 ~~including the results of ecological monitoring, including an assessment~~  
18 ~~of the economic value of Puget Sound;~~

19       ~~(b) Current and foreseeable trends in water quality of Puget Sound~~  
20 ~~and the management of its resources;~~

21       ~~(c) Review of significant public and private activities affecting~~  
22 ~~Puget Sound and an assessment of whether such activities are consistent~~  
23 ~~with the plan; and~~

24       ~~(d) Recommendations to the governor, the legislature, and~~  
25 ~~appropriate state and local agencies for actions needed to remedy any~~  
26 ~~deficiencies in current policies, plans, programs, or activities~~  
27 ~~relating to the water quality of Puget Sound, and recommendations~~  
28 ~~concerning changes necessary to protect and improve Puget Sound water~~  
29 ~~quality)); ((and~~

30       ~~(5)) (4) Review the status of plan implementation efforts,~~  
31 ~~including review of Puget Sound related budgets and regulatory and~~  
32 ~~enforcement activities of state agencies with responsibilities for~~  
33 ~~water quality and related resources in Puget Sound;~~

34       ~~(5) Collect, disseminate, and make available scientific information~~  
35 ~~and research on Puget Sound;~~

36       ~~(6) Develop materials, programs, and projects to educate and assist~~  
37 ~~private citizens and enterprises concerning how they can protect Puget~~  
38 ~~Sound, including but not limited to managing a public involvement and~~  
39 ~~education fund;~~

1 (7) Provide technical assistance to state, local, and federal  
2 agencies identified in the plan in designing, funding, and implementing  
3 water quality programs and projects;

4 (8) Advocate for flexibility in federal and state regulatory  
5 requirements to facilitate private and local strategies to improve the  
6 health of Puget Sound;

7 (9) Provide dispute resolution and mediation between public  
8 agencies and between public and private entities to achieve coordinated  
9 and cost-effective implementation of the plan;

10 (10) Develop performance measures that will gauge progress in  
11 implementing the plan and in protecting Puget Sound;

12 (11) Set priorities for implementation of plan elements to  
13 facilitate executive and legislative decision making.

14 **Sec. 4.** RCW 90.70.060 and 1990 c 115 s 5 are each amended to read  
15 as follows:

16 The plan adopted by the authority shall be a positive document  
17 prescribing the needed actions for the maintenance and enhancement of  
18 Puget Sound water quality. The plan shall address all the waters of  
19 Puget Sound, the Strait of Juan de Fuca, and, to the extent that they  
20 affect water quality in Puget Sound, all waters flowing into Puget  
21 Sound, and adjacent lands. The authority may define specific  
22 geographic boundaries within which the plan applies. The plan shall  
23 coordinate and incorporate existing planning and research efforts of  
24 state agencies and local government related to Puget Sound, and shall  
25 avoid duplication of existing efforts. ~~((The plan shall include:~~

26 ~~(1) A statement of the goals and objectives for long and short-term~~  
27 ~~management of the water quality of Puget Sound;~~

28 ~~(2) A resource assessment which identifies critically sensitive~~  
29 ~~areas, key characteristics, and other factors which lead to an~~  
30 ~~understanding of Puget Sound as an ecosystem;~~

31 ~~(3) Demographic information and assessment as relates to future~~  
32 ~~water quality impacts on Puget Sound;~~

33 ~~(4) An identification and legal analysis of all existing laws~~  
34 ~~governing actions of government entities which may affect water quality~~  
35 ~~management of Puget Sound, the interrelationships of those laws, and~~  
36 ~~the effect of those laws on implementation of the provisions of the~~  
37 ~~plan;~~

1       (5) Review and assessment of existing criteria and guidelines for  
2 governmental activities affecting Puget Sound's resources, including  
3 shoreline resources, aquatic resources, associated watersheds,  
4 recreational resources and commercial resources;

5       (6) Identification of research needs and priorities;

6       (7) Recommendations for guidelines, standards, and timetables for  
7 protection and clean-up activities and the establishment of priorities  
8 for major clean-up investments and nonpoint source management, and the  
9 projected costs of such priorities;

10       (8) A procedure assuring local government initiated planning for  
11 Puget Sound water quality protection;

12       (9) Ways to better coordinate federal, state, and local planning  
13 and management activities affecting Puget Sound's water quality;

14       (10) Public involvement strategies, including household hazardous  
15 waste education, community clean-up efforts, and public participation  
16 in developing and implementing the plan;

17       (11) Recommendations on protecting, preserving and, where possible,  
18 restoring wetlands and wildlife habitat and shellfish beds throughout  
19 Puget Sound;

20       (12) Recommendations for a comprehensive water quality and sediment  
21 monitoring program;

22       (13) Analysis of current industrial pretreatment programs for toxic  
23 wastes, and procedures and enforcement measures needed to enhance them;

24       (14) Recommendations for a program of dredge spoil disposal,  
25 including interim measures for disposal and storage of dredge spoil  
26 material from or into Puget Sound;

27       (15) Definition of major public actions subject to review and  
28 comment by the authority because of a significant impact on Puget Sound  
29 water quality and related resources, and development of criteria for  
30 review thereof;

31       (16) Recommendations for implementation mechanisms to be used by  
32 state and local government agencies;

33       (17) Standards and procedures for reporting progress by state and  
34 local governments in the implementation of the plan;

35       (18) An analysis of resource requirements and funding mechanisms  
36 for updating of the plan and plan implementation; and

37       (19) Legislation needed to assure plan implementation.))

38       The authority shall circulate and receive comments on drafts of the  
39 plan mandated herein, and keep a record of all relevant comments made

1 at public hearings and in writing. These records should be made easily  
2 available to interested persons.

3 ~~((As part of the plan, the authority shall prepare a strategy for  
4 implementing the plan that includes, but is not limited to:—(a)  
5 Setting priorities for implementation of plan elements to facilitate  
6 executive and legislative decision making; (b) assessment of the  
7 capabilities and constraints, both internal and external to state and  
8 local government, that may affect plan implementation; and (c) an  
9 analysis of the strategic options in light of the resources available  
10 to the state. In developing this strategy, the authority shall consult  
11 and coordinate with other related environmental planning efforts.))~~

12 **Sec. 5.** RCW 90.70.065 and 1995 c 269 s 3501 are each amended to  
13 read as follows:

14 (1) In addition to other powers and duties specified in this  
15 chapter, the authority shall ensure implementation and coordination of  
16 the Puget Sound ambient monitoring program established in the plan  
17 under RCW 90.70.060(12). ~~((The program shall:~~

18 ~~(a) Develop a baseline and examine differences among areas of Puget  
19 Sound, for environmental conditions, natural resources, and  
20 contaminants in seafood, against which future changes can be measured;~~

21 ~~(b) Take measurements relating to specific program elements  
22 identified in the plan;~~

23 ~~(c) Measure the progress of the ambient monitoring programs  
24 implemented under the plan;~~

25 ~~(d) Provide a permanent record of significant natural and human-  
26 caused changes in key environmental indicators in Puget Sound; and~~

27 ~~(e) Help support research on Puget Sound.))~~

28 (2) Each state agency with responsibilities for implementing the  
29 Puget Sound ambient monitoring program, as specified in the plan, shall  
30 participate in the program.

31 **Sec. 6.** RCW 90.70.902 and 1990 c 115 s 13 are each amended to read  
32 as follows:

33 Nothing in RCW 43.131.370 shall affect the implementation and  
34 requirements of the Puget Sound water quality management plan existing  
35 on June 30, ~~((1995)),~~ 2002 or such other effective date of repeal of  
36 the laws referenced in RCW 43.131.370. The implementation of the plan

1 on and after that date shall be the responsibility of such entities as  
2 are provided by the legislature.

3 **Sec. 7.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to  
4 read as follows:

5 The Puget Sound water quality authority and its powers and duties  
6 shall be terminated on June 30, (~~(1995)~~) 2002, as provided in RCW  
7 43.131.370.

8 **Sec. 8.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to  
9 read as follows:

10 The following acts or parts of acts, as now existing or hereafter  
11 amended, are each repealed, effective June 30, (~~(1996)~~) 2003:

12 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

13 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

14 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,  
15 Laws of 1990 and RCW 90.70.011;

16 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

17 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

18 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,  
19 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

20 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,  
21 Laws of 1990 and RCW 90.70.055;

22 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,  
23 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

24 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,  
25 Laws of 1990 and RCW 90.70.070;

26 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,  
27 Laws of 1990 and RCW 90.70.080; and

28 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

29 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each  
30 repealed:

31 (1) RCW 90.70.027 and 1992 c 63 s 15;

32 (2) RCW 90.70.035 and 1985 c 451 s 6;

33 (3) RCW 90.70.045 and 1994 c 264 s 97, 1990 c 115 s 3, 1988 c 36 s  
34 72, & 1985 c 451 s 7;

35 (4) RCW 90.70.075 and 1990 c 115 s 10;

36 (5) RCW 90.70.080 and 1990 c 115 s 7 & 1985 c 451 s 10;



1 (6) RCW 90.70.090 and 1990 c 115 s 8; and

2 (7) RCW 90.70.100 and 1991 c 200 s 502.

3 NEW SECTION. **Sec. 10.** This act shall take effect June 30, 1996."

4 **SHB 2875** - H AMD

5 By Representative Romero

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7 On page 1, line 1 of the title, after "quality;" strike the  
8 remainder of the title and insert "amending RCW 90.70.001, 90.70.011,  
9 90.70.055, 90.70.060, 90.70.065, 90.70.902, 43.131.369, and 43.131.370;  
10 repealing RCW 90.70.027, 90.70.035, 90.70.045, 90.70.075, 90.70.080,  
11 90.70.090, and 90.70.100; and providing an effective date."

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