

# FINAL BILL REPORT

## ESHB 2875

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C 138 L 96

Synopsis as Enacted

**Brief Description:** Changing water quality provisions.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representative Chandler).

**House Committee on Agriculture & Ecology**  
**Senate Committee on Ecology & Parks**  
**Senate Committee on Ways & Means**

**Background:** The Puget Sound Water Quality Authority was created by the Legislature in 1985. The authority's principal purpose was to develop a comprehensive plan for the protection and clean-up of Puget Sound in a manner that coordinated the activities of the hundreds of local, regional, and state jurisdictions within the Puget Sound basin.

The authority is comprised of 11 members: nine citizen members appointed by the Governor, and the director of the Department of Ecology and the Public Lands Commissioner serving ex officio. Three of the citizen members represent cities, counties, and tribal governments. The Director of Department of Ecology chairs the authority. The authority's 1993-1995 biennial operating budget was \$2,500,000, and it had approximately 20 full-time staff. It administered another \$1,700,000 in grants to local governments and citizen groups in that biennium.

The initial Puget Sound Water Quality Management Plan was adopted in 1986 and revised in 1989, 1991, and 1994. The plan contains numerous elements, addressing subjects such as nonpoint source pollution, municipal and industrial discharges, contaminated sediments, storm water and combined sewer overflows, spill prevention and response, wetlands protection, research, and monitoring. The plan developed by the authority is implemented by appropriate state and local agencies subject to available funding. Ten state agencies have responsibilities for implementing the plan. In the 1995-97 biennium, approximately \$21 million was appropriated by the Legislature for plan implementation, including funding for approximately 200 agency staff.

Other duties of the authority include implementation of a Puget Sound long-term monitoring program (authorized in 1990); biennial reporting on the state of the sound, the status of plan implementation, and state and local actions affecting the sound; review of state agency budgets relating to Puget Sound; making recommendations to

the Governor and Legislature; encouraging research on Puget Sound's water quality; and administering a public involvement and education program.

Originally scheduled for sunset in 1991, the 1990 Legislature reauthorized the authority until June 30, 1995. The reauthorizing legislation expanded the authority's membership, required its offices to be located in Olympia, and clarified that the plan was to be implemented by appropriate agencies subject to available funding. The legislation also required the Governor's proposed biennial budget to identify Puget Sound funding levels, and directed the authority to prepare a strategy for implementing the plan that includes setting priorities. The Legislature also directed that the plan was to continue beyond the agency's sunset, with future plan implementation to be assigned by the Legislature.

The Legislative Budget Committee completed its latest sunset review of the authority in September 1994. It recommended that the authority be continued and that the composition of the authority be changed to include an industrial discharger. It recommended legislative changes to focus the authority upon plan implementation, to de-emphasize plan revisions, and to omit unnecessary reporting requirements. The Legislative Budget Committee also recommended that the authority distribute funds to implement the plan as a means to improve agency compliance with the plan.

**Summary:** The Puget Sound Water Quality Authority is not reauthorized. The Puget Sound Action Team is created, consisting of the executives of 10 state agencies, and three members, one each to represent cities, counties, and the Governor's office.

The action team is responsible for a number of functions related to developing and implementing a biennial work plan and budget to protect and restore Puget Sound. In developing the work plan and budget, the action team must meet the following objectives:

- (1) use of the plan elements of the 1994 Puget Sound Water Quality Management Plan to protect and restore Puget Sound;
- (2) consideration of the problems and priorities identified in local plans; and
- (3) coordination of the work plan activities with other relevant activities, including local watershed plans and volunteer watershed restoration activities.

The work plan and budget must include the following elements:

- (1) an identification and prioritization of the state and local actions necessary to address the water pollution problems in five specified areas around Puget Sound as follows: Area 1 includes Island and San Juan Counties; Area 2 includes Skagit and Whatcom Counties; Area 3 includes Clallam and Jefferson Counties; Area 4 includes Snohomish, King, and Pierce Counties; and Area 5 includes Kitsap, Mason, and Thurston Counties;

- (2) funding for staff to characterize watersheds, provide technical assistance, and implement state responsibilities identified in the workplan;
- (3) funding to implement an ambient monitoring program for Puget Sound;
- (4) funding for local watershed action plans; and
- (5) funding to provide staff for the action team for administration and oversight.

The Puget Sound Council is created. The council is to consist of nine members, representing the Senate, the House of Representatives, agriculture, business, environment, tribes, the shellfish industry, cities, and counties. The council is responsible for making recommendations to the action team on workplan contents, plan amendments, and overall coordination.

The person representing the Governor's office is the chair of the action team and the Puget Sound Council. The chair is responsible for coordinating the overall activities of the action team and the council. The chair of the action team is responsible for reporting to the Legislature. Each proposed work plan must be submitted to the Legislature by December 20 of each even-numbered year. Beginning in 1998, the chair of the action team must submit a report to the Legislature evaluating the progress made on the current work plan. The chair of the action team is also required to hold public hearings on the work plan.

The Puget Sound ambient monitoring program must include research and monitoring programs, including performance measures useful to the Governor and the Legislature as a means to track the progress of restoring the health of Puget Sound. Local governments are required to implement local elements of the work plan subject to the availability of funding. All proceedings of the action team are subject to the Open Meetings Act.

The action team must adopt a rule, previously adopted by the Puget Sound Water Quality Authority, that establishes planning guidelines for local watershed restoration efforts. The powers and duties of the Puget Sound Water Quality Authority are transferred to the action team. Four sections of law, added subsequent to the 1985 creation of the Puget Sound Water Quality Authority, are repealed. Two sections are recodified into a new chapter: a section relating to the Senior Environmental Corps and a section clarifying that the Puget Sound Water Quality Management Plan is valid after termination of the authority.

One million dollars is appropriated from the water quality account for the Department of Ecology to provide grants to local jurisdictions for on-site sewage disposal projects. In making these grants, the department is to give preference to areas that have established shellfish protection districts and that meet other specified criteria.

**Votes on Final Passage:**

House	59	36	
Senate	32	16	(Senate amended)
House			(House refused to concur)
Senate	42	7	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 6, 1996  
March 25, 1996 (Section 5)  
June 30, 1996 (Section 11)