
HOUSE BILL 2915

State of Washington

55th Legislature

1998 Regular Session

By Representatives Koster, Chandler, Honeyford and Linville

Read first time 01/22/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to dairy nutrients management; amending RCW
2 90.64.005, 90.64.010, 90.64.030, 90.64.050, 90.64.060, 90.64.070,
3 90.64.080, 90.48.144, and 90.48.465; adding new sections to chapter
4 90.64 RCW; repealing RCW 90.64.090; and prescribing penalties.

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

6 **Sec. 1.** RCW 90.64.005 and 1993 c 221 s 1 are each amended to read
7 as follows:

8 The legislature finds that there is a need to establish a clear and
9 understandable process that provides for the proper and effective
10 management of dairy (~~waste~~) nutrients that affects the quality of
11 surface or ground waters in the state of Washington. The legislature
12 finds that there is a need for a program that will provide a stable and
13 predictable business climate upon which dairy farms may base future
14 investment decisions.

15 The legislature finds that federal regulations require a permit
16 program for dairies (~~{with}~~) with over seven hundred head of mature
17 cows and, other specified dairy farms that directly discharge into
18 waters or are otherwise significant contributors of pollution. The
19 legislature finds that significant work has been ongoing over a period

1 of time and that the intent of this chapter is to take the consensus
2 that has been developed and place it into statutory form.

3 It is also the intent of this chapter to establish an inspection
4 and technical assistance program for dairy farms to address the
5 discharge of pollutants to surface and ground waters of the state that
6 will lead to water quality compliance by the industry. A further
7 purpose is to create a balanced program involving technical assistance,
8 regulation, and enforcement with coordination and oversight of the
9 program by a committee composed of industry, agency, and other
10 representatives. Furthermore, it is the objective of this chapter to
11 maintain the administration of the water quality program as it relates
12 to dairy operations at the state level.

13 It is also the intent of this chapter to recognize the existing
14 working relationships between conservation districts, the conservation
15 commission, and the department of ecology in protecting water quality
16 of the state. A further purpose of this chapter is to provide
17 statutory recognition of the coordination of the functions of
18 conservation districts, the conservation commission, and the department
19 of ecology pertaining to development of dairy waste management plans
20 for the protection of water quality.

21 **Sec. 2.** RCW 90.64.010 and 1993 c 221 s 2 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Advisory and oversight committee" means a balanced committee
26 of agency, dairy farm, and interest group representatives convened to
27 provide oversight and direction to the dairy nutrients management
28 program.

29 (2) "Catastrophic" means a tornado, hurricane, earthquake, or other
30 extreme condition that would cause an overflow from a required waste
31 retention structure.

32 (3) "Chronic" means a series of wet weather events that precludes
33 dewatering of a waste retention structure that is designed and
34 constructed with adequate volume for the current herd size and is also
35 properly maintained.

36 (4) "Conservation commission" or "commission" means the
37 conservation commission under chapter 89.08 RCW.

1 ~~((2))~~ (5) "Conservation districts" or "district" means a
2 subdivision of state government organized under chapter 89.08 RCW.

3 ~~((3))~~ "Concentrated dairy animal feeding operation" means a dairy
4 animal feeding operation subject to regulation under this chapter which
5 the director designates under RCW 90.64.030 or meets the following
6 criteria:

7 ~~(a)~~ Has more than seven hundred mature dairy cows, whether milked
8 or dry cows, that are confined; or

9 ~~(b)~~ Has more than two hundred head of mature dairy cattle, whether
10 milked or dry cows, that are confined and either:

11 ~~(i)~~ From which pollutants are discharged into navigable waters
12 through a manmade ditch, flushing system, or other similar manmade
13 device; or

14 ~~(ii)~~ From which pollutants are discharged directly into surface or
15 ground waters of the state that originate outside of and pass over,
16 across, or through the facility or otherwise come into direct contact
17 with the animals confined in the operation.

18 ~~(4)~~ "Dairy animal feeding operation" means a lot or facility where
19 the following conditions are met:

20 ~~(a)~~ Dairy animals that have been, are, or will be stabled or
21 confined and fed for a total of forty five days or more in any twelve-
22 month period; and

23 ~~(b)~~ Crops, vegetation forage growth, or postharvest residues are
24 not sustained in the normal growing season over any portion of the lot
25 or facility. Two or more dairy animal feeding operations under common
26 ownership are considered, for the purposes of this chapter, to be a
27 single dairy animal feeding operation if they adjoin each other or if
28 they use a common area for land application of wastes.

29 ~~(5))~~ (6) "Dairy farm" means any farm that is licensed to produce
30 milk under chapter 15.36 RCW.

31 (7) "Dairy nutrients management inspection team" means one or more
32 representatives of the department and a local conservation district
33 organized to inspect dairy farms in the state for compliance with the
34 provisions of this chapter.

35 (8) "Dairy nutrients management plan" means a plan meeting the
36 requirements established under section 5 of this act.

37 (9) "Dairy nutrients management technical assistance team" means
38 one or more professional engineers and local conservation district

1 employees convened to serve one of up to four distinct geographic areas
2 in the state.

3 (10) "Dairy producer" means a person who owns or operates a dairy
4 farm.

5 (11) "Department" means the department of ecology under chapter
6 43.21A RCW.

7 ~~((+6+))~~ (12) "Director" means the director of the department of
8 ecology, or his or her designee.

9 (13) "Major violation" means a discharge into the waters of the
10 state, except those caused by a twenty-four hour, twenty-five year or
11 greater, flood event, or by catastrophic or chronic weather events, and
12 that is not regulated under a national pollutant discharge elimination
13 system permit.

14 NEW SECTION. Sec. 3. (1) Every dairy producer licensed under
15 chapter 15.36 RCW shall register with the department by September 1,
16 1998.

17 (2) Every dairy producer licensed after September 1, 1998, shall
18 register with the department within sixty days of licensing. Dairy
19 producers shall reregister with the department within sixty days of
20 changing ownership, changing address, or increasing herd sizes last
21 registered by twenty percent or more.

22 (3) To facilitate registration, the department shall obtain from
23 the food safety and animal health division of the department of
24 agriculture a current list of all licensed dairy producers in the state
25 and mail a registration form to each licensed dairy producer no later
26 than July 15, 1998.

27 (4) The form shall require the following information:

28 (a) The name and address of the operator of the dairy farm;

29 (b) The name and address of the dairy farm;

30 (c) The telephone number of the dairy farm;

31 (d) The number of cows in the dairy farm;

32 (e) The number of young stock in the dairy farm;

33 (f) The number of acres owned and rented in the dairy farm; and

34 (g) Whether the dairy producer is developing and/or using a dairy
35 nutrients management plan pursuant to the requirements of this chapter.

36 (5) The department's failure to reach a dairy producer by mail
37 shall not alter the obligation of the producer to register with the
38 department within the time required.

1 NEW SECTION. **Sec. 4.** (1) By October 1, 1998, the dairy nutrients
2 management inspection teams shall initiate an inspection program of all
3 dairy farms in the state. The purpose of the inspections is to
4 identify corrective actions for actual or imminent discharges that
5 threaten to violate the state's water quality standards, to survey for
6 evidence of significant dairy nutrient discharges, to identify
7 producers who do not have an approved dairy nutrients management plan
8 or are not implementing a previously approved dairy nutrients
9 management plan, and to identify dairy producers who would benefit from
10 technical assistance programs. The dairy nutrients management
11 inspection teams shall conduct such additional inspections as are
12 necessary to ensure compliance with state and federal water quality
13 requirements, provided that all licensed dairy farms shall be inspected
14 within one year of the start of this program.

15 (2) The dairy nutrients management inspection teams shall begin a
16 new round of inspections two years after the completion of the initial
17 inspections, and every two years thereafter.

18 NEW SECTION. **Sec. 5.** (1) All dairy producers licensed under
19 chapter 15.36 RCW shall prepare a dairy nutrients management plan.
20 Such plans shall be prepared and fully implemented by January 1, 2001.

21 (2) By December 31, 1998, the commission in conjunction with the
22 advisory and oversight committee established in section 7 of this act
23 shall develop a document clearly describing the elements that a dairy
24 nutrients management plan must contain to gain local conservation
25 district approval.

26 (3) In preparing a dairy nutrients management plan, a dairy
27 producer shall use the standards and specifications developed by the
28 federal natural resource and conservation service, developed under
29 section 9 of this act, or those approved under section 7(3) of this
30 act.

31 (4) A dairy nutrients management plan for a dairy farm required
32 under this chapter is not subject to public disclosure and is exempt
33 from public inspection and copying.

34 NEW SECTION. **Sec. 6.** A dairy producer is in compliance with the
35 provisions of this chapter if he or she has not caused a major
36 violation, and has in effect a dairy nutrients management plan, or is

1 in the process of completing and implementing such a plan as provided
2 within this chapter.

3 NEW SECTION. **Sec. 7.** (1) A dairy nutrients management program
4 advisory and oversight committee is established. The committee shall
5 be chaired by the executive secretary of the conservation commission.
6 The purpose of the committee is to provide direction to and oversight
7 of the dairy nutrients management inspection program, as well as to
8 encourage the use of appropriate alternative technologies and methods
9 for managing dairy nutrients. Members shall be appointed by the
10 commission.

11 (2) The committee shall include representatives of the department,
12 the dairy industry, the conservation commission, conservation
13 districts, an environmental organization, and the shellfish industry.
14 In addition, the federal natural resources conservation service and the
15 federal environmental protection agency shall each be invited to
16 appoint a representative to the committee.

17 (3) The committee shall perform the following functions:

18 (a) Meet at least four times per calendar year;

19 (b) Maintain meeting minutes and account for the resolution of
20 issues jointly identified by the committee chairs as needing to be
21 addressed;

22 (c) Review the annual data base report provided by the department
23 under section 8 of this act;

24 (d) Act as a forum to hear suggestions from any interested parties,
25 including dairy farmers, regarding implementation of the dairy
26 nutrients management program;

27 (e) Monitor the development and use of the standards and
28 specifications developed under section 9 of this act;

29 (f) Create and recommend standardized dairy farm nutrients
30 management facility inspection procedures and a reporting format to be
31 used by the department;

32 (g) Develop performance-based criteria to determine the frequency
33 of inspections initiated under section 4 of this act; and

34 (h) Approve the use of dairy nutrients management technologies and
35 methods other than those approved or provided by the natural resource
36 and conservation service, as components of nutrients management plans
37 under this chapter, provided the resulting performance standards meet

1 or exceed those developed by the technical assistance teams established
2 in section 9 of this act.

3 (4) The advisory and oversight committee does not replace or
4 infringe upon the authority, duties, or responsibilities of the
5 pollution control hearings board.

6 NEW SECTION. **Sec. 8.** By December 31, 1998, the department in
7 consultation with the advisory and oversight committee shall develop
8 and maintain a data base to account for the implementation of the
9 inspection program identified in section 4 of this act. The data base
10 shall track registration, inspection, regulatory and enforcement
11 actions, and status of dairy nutrients management plans. A summary of
12 the data base information shall be provided quarterly to the dairy
13 nutrients management program advisory and oversight committee.

14 NEW SECTION. **Sec. 9.** (1) The conservation commission shall
15 establish up to four dairy nutrients management technical assistance
16 teams by December 31, 1998. The teams shall be geographically located
17 throughout the state. Each team shall consist of one or more
18 professional engineers and local conservation district employees.

19 (2) By October 1, 1999, each team shall develop a set of standards
20 and specifications to assist dairy producers in developing and
21 implementing dairy nutrients management plans. Standards and
22 specifications developed by a technical assistance team shall be
23 appropriate to the soils and other conditions of that geographic area.

24 **Sec. 10.** RCW 90.64.030 and 1993 c 221 s 4 are each amended to read
25 as follows:

26 ~~((Upon receiving a complaint or upon its own determination that a
27 dairy animal feeding operation is a likely source of water quality
28 degradation,))~~ The dairy nutrients management inspection team may
29 investigate a dairy to determine whether a dairy producer is
30 registered, has an approved dairy nutrients management plan, and is
31 implementing that plan. The ((department)) dairy nutrients management
32 inspection team may investigate a dairy ((animal feeding operation))
33 farm to determine whether the operation is discharging directly
34 pollutants or ((recently)) has ((discharged)) a record of directly
35 discharging pollutants into surface or ground waters of the state as
36 provided under the inspection program in section 4 of this act. The

1 dairy nutrients management inspection team shall make a written report
2 of its findings and provide a copy of the report to the dairy producer
3 within fourteen days of the inspection. The ~~((department))~~ dairy
4 nutrients management inspection team shall investigate a written
5 complaint filed with the department within ~~((ten days))~~ forty-eight
6 hours and shall make a written report of its findings including the
7 results of any water quality measurements, photographs, or other
8 pertinent information. A copy of the findings shall be provided ~~((upon~~
9 ~~request))~~ to the dairy ~~((animal feeding operation))~~ producer subject to
10 the complaint. All findings shall be entered into the data base
11 identified in section 8 of this act.

12 ~~((Those dairy animal feeding operations that are))~~ A dairy farm
13 that is determined to be a significant contributor of pollution based
14 on actual water quality tests, photographs, or other pertinent
15 information ~~((if immediate corrective actions are not possible,))~~ shall
16 be ~~((designated as a concentrated dairy animal feeding operation and~~
17 ~~shall be))~~ subject to the provisions of this chapter, unless the major
18 violation of water quality standards is a first occurrence for that
19 farm and the producer has not otherwise had a history of noncompliance
20 with those standards.

21 **Sec. 11.** RCW 90.64.050 and 1993 c 221 s 6 are each amended to read
22 as follows:

23 (1) The department has the following duties:

24 (a) Identify existing or potential water quality problems resulting
25 from dairy farms through implementation of the inspection program in
26 section 4 of this act;

27 (b) Receive, process, and verify complaints concerning discharge of
28 pollutants from all dairy farms ~~((regardless of size));~~

29 (c) Determine if a dairy-related water quality problem requires
30 immediate corrective action under the Washington state water pollution
31 control laws, chapter 90.48 RCW, or the Washington state water quality
32 standards adopted under chapter 90.48 RCW~~((, or other authorities)).~~
33 The department shall maintain the lead enforcement responsibility;

34 (d) Administer and enforce national pollutants discharge
35 elimination system permits for operators of concentrated dairy animal
36 feeding operations, where required by federal regulations~~((,))~~ and
37 ~~((administer))~~ state laws;

1 (e) (~~Appoint~~ representatives, including dairy industry
2 representatives, to participate in the compliance review committee that
3 will annually review and update policy and disseminate information as
4 needed)) Participate on the advisory and oversight committee;

5 (f) Encourage communication and cooperation between local
6 department personnel and the appropriate conservation district
7 personnel;

8 (g) (~~Encourage~~) Require the use of (~~federal soil conservation~~
9 ~~service standards and specifications in designing best management~~
10 ~~practices for~~) dairy (~~waste~~) nutrients management plans (~~to protect~~
11 ~~water quality~~) for entities required to plan under this chapter. Such
12 plans shall meet the standards and specifications of:

13 (i) The natural resource and conservation service;

14 (ii) The geographically based standards under section 9 of this
15 act;

16 (iii) Section 7(3) of this act; or

17 (iv) A professional engineer who meets the standards identified in
18 this section;

19 (h) Provide to the commission and the advisory and oversight
20 committee an annual report of dairy (~~waste pollution~~) nutrients
21 management inspection, permitting, and enforcement activities.

22 (2) The department may not delegate its responsibilities in
23 enforcement.

24 **Sec. 12.** RCW 90.64.060 and 1993 c 221 s 7 are each amended to read
25 as follows:

26 (1) If the (~~department~~) dairy nutrients management inspection
27 team determines that the operator of a dairy animal feeding operation
28 has the means to correct a water quality problem in a manner that will
29 prevent future contamination and does so promptly and such correction
30 is maintained, the department shall cease pursuit of the complaint.

31 (2) If the (~~department~~) dairy nutrients management inspection
32 team determines that an unresolved water quality problem from a dairy
33 animal feeding operation requires immediate corrective action, the
34 department shall notify the (~~operator~~) producer and the district in
35 which the problem is located.

36 (~~(3) If immediate action is not necessary by the department, the~~
37 ~~handling of complaints will differ depending on the amount of~~

1 information available and the compliance option selected by the
2 conservation district involved.

3 (a) When the name and address of the party against whom the
4 complaint was registered are known:

5 (i) Districts operating at levels 1 and 2 will receive a copy of
6 complaint information, and compliance letter if one was sent out.

7 (ii) Districts operating at levels 3 and 4 will receive a copy of
8 complaint information and the letter sent by the department to the
9 operator informing the operator of the complaint and providing the
10 operator with the opportunity to work with the conservation district on
11 a voluntary basis.

12 (b) The department and the conservation district will work together
13 at the local level to resolve complaints when the name and address of
14 the party against whom the complaint was registered are unknown.))

15 **Sec. 13.** RCW 90.64.070 and 1993 c 221 s 8 are each amended to read
16 as follows:

17 (1) The conservation district has the following duties:

18 (a) ((Adopt and annually update the water quality section in the
19 conservation district dairy waste management plan)) Provide technical
20 assistance to the department in identifying existing water quality
21 problems resulting from dairy farms through implementation of the
22 inspection program in section 4 of this act;

23 (b) ((As part of the district annual report, include a water
24 quality progress report on dairy waste management activities conducted
25 that are related to this chapter)) Immediately refer complaints
26 received from the public regarding discharge of pollutants to the
27 department;

28 (c) Encourage communication and cooperation between the
29 conservation district personnel and local department personnel;

30 (d) ((Adopt and carry out a compliance option from level 1, level
31 2, level 3, or level 4)) Provide technical assistance to dairy
32 producers in developing and implementing a dairy nutrients management
33 plan; and

34 (e) Review and approve dairy nutrients management plans.

35 (2) The district's capability to carry out its responsibilities
36 ((in the four levels of compliance)) under this chapter is contingent
37 upon the availability of funding and resources to implement a dairy
38 waste management program.

1 **Sec. 14.** RCW 90.64.080 and 1993 c 221 s 9 are each amended to read
2 as follows:

3 (1) The conservation commission has the following duties:

4 (a) ~~((Forward to the department the dairy waste management plan~~
5 ~~progress reports;~~

6 ~~(b))~~ Provide assistance as may be appropriate to the conservation
7 districts in the discharge of their responsibilities as management
8 agencies in dairy ~~((waste))~~ nutrients management program
9 implementation;

10 ~~((e))~~ (b) Provide coordination for conservation district programs
11 at the state level through special arrangements with appropriate
12 federal and state agencies;

13 ~~((d))~~ (c) Inform conservation districts of activities and
14 experiences of other conservation districts relative to agricultural
15 water quality protection, and facilitate an interchange of advice,
16 experience, and cooperation between the districts;

17 ~~((e))~~ (d) Encourage communication between the conservation
18 district personnel and local department personnel;

19 ~~((f))~~ (e) Appoint conservation district representatives to serve
20 on the ~~((compliance review))~~ advisory and oversight committee with
21 advice of the Washington association of conservation districts;

22 ~~((g) Appoint a commission representative to participate on the~~
23 ~~compliance review committee that will annually review and update policy~~
24 ~~and disseminate information as needed;~~

25 ~~(h))~~ (f) Provide a chair to the advisory and oversight committee;
26 and

27 (g) Work with the department to provide communication outreach to
28 representatives of agricultural and environmental organizations to
29 receive feedback on implementation of this chapter.

30 (2) The commission's capability to carry out its responsibilities
31 under this chapter is contingent upon the availability of funding and
32 resources to implement a dairy ~~((waste))~~ nutrients management program.

33 NEW SECTION. **Sec. 15.** (1) When corrective actions are required,
34 the department shall provide copies of all final dairy farm inspection
35 reports and documentation of all formal regulatory and enforcement
36 actions taken by the department to the local conservation district and
37 to the appropriate dairy farm within fourteen days.

1 (2) The local conservation district shall provide a copy of a
2 completed dairy nutrients management plan to the department within
3 fourteen days of plan approval by the district.

4 **Sec. 16.** RCW 90.48.144 and 1995 c 403 s 636 are each amended to
5 read as follows:

6 Except as provided in RCW 43.05.060 through 43.05.080 and
7 43.05.150, every person who:

8 (1) Violates the terms or conditions of a waste discharge permit
9 issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or

10 (2) Conducts a commercial or industrial operation or other point
11 source discharge operation without a waste discharge permit as required
12 by RCW 90.48.160 or 90.48.260 through 90.48.262, or

13 (3) Violates the provisions of RCW 90.48.080, or other sections of
14 this chapter, chapter 90.64 RCW, or chapter 90.56 RCW or rules or
15 orders adopted or issued pursuant to (~~either of~~) those chapters,
16 shall incur, in addition to any other penalty as provided by law, a
17 penalty in an amount of up to ten thousand dollars a day for every such
18 violation. Each and every such violation shall be a separate and
19 distinct offense, and in case of a continuing violation, every day's
20 continuance shall be and be deemed to be a separate and distinct
21 violation. Every act of commission or omission which procures, aids or
22 abets in the violation shall be considered a violation under the
23 provisions of this section and subject to the penalty herein provided
24 for. The penalty amount shall be set in consideration of the previous
25 history of the violator and the severity of the violation's impact on
26 public health and/or the environment in addition to other relevant
27 factors. The penalty herein provided for shall be imposed pursuant to
28 the procedures set forth in RCW 43.21B.300.

29 NEW SECTION. **Sec. 17.** The dairy waste management account is
30 created in the custody of the state treasurer. All receipts from
31 monetary penalties levied pursuant to violations of this chapter must
32 be deposited into the account except those receipts held for two weeks
33 under RCW 90.64.050. Expenditures from the account may be used only
34 for the commission to provide grants to local conservation districts
35 for the sole purpose of assisting dairy farms to develop and fully
36 implement dairy nutrients management plans. Only the chairman of the
37 commission or the chairman's designee may authorize expenditures from

1 the account. The account is subject to allotment procedures under
2 chapter 43.88 RCW, but an appropriation is not required for
3 expenditures.

4 **Sec. 18.** RCW 90.48.465 and 1997 c 398 s 2 are each amended to read
5 as follows:

6 (1) The department shall establish annual fees to collect expenses
7 for issuing and administering each class of permits under RCW
8 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be
9 established by rule within one year of March 1, 1989, and thereafter
10 the fee schedule shall be adjusted no more often than once every two
11 years. This fee schedule shall apply to all permits, regardless of
12 date of issuance, and fees shall be assessed prospectively. All fees
13 charged shall be based on factors relating to the complexity of permit
14 issuance and compliance and may be based on pollutant loading and
15 toxicity and be designed to encourage recycling and the reduction of
16 the quantity of pollutants. Fees shall be established in amounts to
17 fully recover and not to exceed expenses incurred by the department in
18 processing permit applications and modifications, monitoring and
19 evaluating compliance with permits, conducting inspections, securing
20 laboratory analysis of samples taken during inspections, reviewing
21 plans and documents directly related to operations of permittees,
22 overseeing performance of delegated pretreatment programs, and
23 supporting the overhead expenses that are directly related to these
24 activities.

25 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.
26 Sec. 1362, for all domestic wastewater facility permits issued under
27 RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of
28 fifteen cents per month per residence or residential equivalent
29 contributing to the municipality's wastewater system. The department
30 shall adopt by rule a schedule of credits for any municipality engaging
31 in a comprehensive monitoring program beyond the requirements imposed
32 by the department, with the credits available for five years from March
33 1, 1989, and with the total amount of all credits not to exceed fifty
34 thousand dollars in the five-year period.

35 (3) The department shall ensure that indirect dischargers do not
36 pay twice for the administrative expense of a permit. Accordingly,
37 administrative expenses for permits issued by a municipality under RCW
38 90.48.165 are not recoverable by the department.

1 (4) In establishing fees, the department shall consider the
2 economic impact of fees on small dischargers and the economic impact of
3 fees on public entities required to obtain permits for storm water
4 runoff and shall provide appropriate adjustments. The fee for a
5 national pollutant discharge elimination system permit issued for
6 discharges related to manure or other dairy nutrients from a dairy farm
7 as defined under chapter 90.64 RCW shall be fifty cents per head of
8 cattle covered by the permit.

9 (5) All fees collected under this section shall be deposited in the
10 water quality permit account hereby created in the state treasury.
11 Moneys in the account may be appropriated only for purposes of
12 administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

13 (6) Beginning with the biennium ending June 30, 1997, the
14 department shall present a biennial progress report on the use of
15 moneys from the account to the legislature. The report will be due
16 December 31st of odd-numbered years. The report shall consist of
17 information on fees collected, actual expenses incurred, and
18 anticipated expenses for the current and following fiscal years.

19 NEW SECTION. Sec. 19. RCW 90.64.090 and 1993 c 221 s 10 are each
20 repealed.

21 NEW SECTION. Sec. 20. Sections 3 through 9, 15, and 17 of this
22 act are each added to chapter 90.64 RCW.

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