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ENGROSSED SUBSTITUTE HOUSE BILL 2239

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Buck and Wood)

Read first time 03/08/1999.

1 AN ACT Relating to storm water control grant programs; amending RCW  
2 90.78.005, 90.78.010, 90.78.020, and 75.50.165; and providing an  
3 expiration date.

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

5 **Sec. 1.** RCW 90.78.005 and 1996 c 285 s 2 are each amended to read  
6 as follows:

7 The legislature finds that the increasing population and continued  
8 development throughout the state have increased the need for storm  
9 water control. Storm water impacts have resulted in increased public  
10 health risks related to drinking water and agricultural and seafood  
11 products; increased disruption of economic activity, transportation  
12 facilities, and other public and private land and facilities due to the  
13 lack of adequate flood control measures; adverse affects on state fish  
14 populations and watershed hydrology; and contamination of sediments.

15 In addition, current storm water control and management efforts  
16 related to transportation projects lack necessary coordination on a  
17 watershed, regional, and state-wide basis; have inadequate funding; and  
18 fail to maximize use of available resources.

1 More stringent regulatory requirements have increased the costs  
2 that state and local governments must incur to deal with significant  
3 sources of pollution such as storm water. The costs estimated to  
4 properly maintain and construct storm water facilities far exceed  
5 available revenues.

6 Therefore, it is the intent of the legislature to establish a  
7 program to develop a state-wide coordination mechanism for the funding  
8 of state, county, and city highway and roadway-related storm water  
9 management and control projects that will facilitate the completion of  
10 the state's most urgently needed storm water projects in the most cost-  
11 effective manner. Unexpended annual utility fee payments that are not  
12 collected by virtue of defaulting in preparing a plan must be used in  
13 the storm water grant program as defined in RCW 90.78.010 and  
14 90.78.020.

15 **Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read  
16 as follows:

17 The department of transportation, in cooperation with the  
18 transportation improvement board, the department of ecology, cities,  
19 towns, counties, environmental organizations, business organizations,  
20 Indian tribes, and port districts, shall develop a storm water  
21 management funding and implementation program to address state, county,  
22 and city highway and roadway-related storm water control problems. As  
23 part of the program, the department may provide grants and may rate and  
24 rank local transportation improvement projects to facilitate the  
25 construction of the highest priority state and local storm water  
26 management projects based on cost-effectiveness and contribution toward  
27 improved water quality, mitigating the impacts of altered stream  
28 hydrology, improved salmonid habitat, and reduced flooding in a  
29 watershed.

30 The program shall address, but is not limited to, the following  
31 objectives: (1) Greater state-wide coordination of the construction of  
32 storm water treatment facilities; (2) encouraging multijurisdictional  
33 projects; (3) developing priorities and approaches for implementing  
34 activities within watersheds; (4) methods to enhance, preserve, and  
35 restore salmonid habitat; (5) identification and prioritization of  
36 storm water retrofit programs; ~~((+5))~~ (6) evaluating methods to  
37 determine cost benefits of proposed projects; ~~((+6))~~ (7) identifying  
38 ways to facilitate the sharing of technical resources; ~~((+7))~~ (8)

1 developing methods for monitoring and evaluating activities carried out  
2 under the program; and ~~((+8+))~~ (9) identifying potential funding  
3 sources for continuation of the program.

4 **Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read  
5 as follows:

6 The department of transportation may provide grants and may rate  
7 and rank local transportation improvement projects to implement state,  
8 county, and city highway and roadway-related storm water control  
9 measures. Cities, towns, counties, port districts, Indian tribes, and  
10 the department of transportation are eligible to receive grants, on a  
11 matching basis. A committee consisting of two representatives each  
12 from the department of transportation, with one as chair, the  
13 department of ecology, cities, and counties, and one representative  
14 each from the transportation improvement board, the department of fish  
15 and wildlife, an environmental organization, and a business  
16 organization, shall oversee the grant program. The committee may add  
17 representatives of other agencies, organizations, or interest groups to  
18 serve as members of the committee or in an advisory capacity. In  
19 developing project criteria, the committee shall identify the most  
20 urgent state, county, and city highway and roadway-related storm water  
21 management and control problems; develop methods for applying  
22 priorities across watersheds; give added weight to projects based on  
23 local contribution, multijurisdictional involvement, and whether the  
24 project is a priority for a local storm water utility; and determine  
25 the benefits of, and, if appropriate, provide incentives for off-site  
26 placement of storm water facilities and out-of-kind mitigation for  
27 storm water impacts.

28 **Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read  
29 as follows:

30 (1) The department of transportation ~~((is authorized to))~~ and the  
31 department of fish and wildlife may administer ((a)) and coordinate all  
32 state grant programs specifically designed to assist state agencies,  
33 local governments, private landowners, tribes, organizations, and  
34 volunteer groups in identifying and removing impediments to  
35 ~~((anadromous))~~ salmonid fish passage. ~~((The))~~ The transportation  
36 improvement board is authorized to administer all grant programs  
37 specifically designed to assist cities, counties, and local governments

1 with fish passage barrier corrections associated with transportation  
2 projects. All grant programs ((shall)) must be administered and be  
3 consistent with the following:

4 (a) ~~((Eligible projects include))~~ Salmonid-related corrective  
5 projects, inventory, assessment, and prioritization efforts;

6 (b) Salmonid projects ((shall be)) subject to a competitive  
7 application process; and

8 (c) A minimum dollar match rate that is consistent with the funding  
9 authority's criteria. If no funding match is specified, a match amount  
10 of at least twenty-five percent per project shall be required. For  
11 local, private, and volunteer projects, in-kind contributions may be  
12 counted toward the match requirement.

13 (2) Priority shall be given to projects that immediately increase  
14 access to available and improved spawning and rearing habitat for  
15 depressed, threatened, and endangered stocks. Priority shall also be  
16 given to project applications that are coordinated with other efforts  
17 within a watershed((?)).

18 ~~((d))~~ (3) Except for projects administered by the transportation  
19 improvement board, all projects shall be reviewed and approved by the  
20 fish passage barrier removal task force((? and

21 ~~(e)~~ A match of at least twenty-five percent per project shall be  
22 required. For local, private, and volunteer projects, in-kind  
23 contributions may be counted toward the match requirement.

24 ~~(2)~~ The department of transportation shall proceed expeditiously in  
25 implementing the grant program during the 1998 summer construction  
26 season)) or an alternative oversight committee designated by the state  
27 legislature.

28 (4) Other agencies that administer natural resource based grant  
29 programs that may include fish passage barrier removal projects shall  
30 use fish passage selection criteria that are consistent with this  
31 section.

32 (5) The departments of transportation and fish and wildlife shall  
33 establish a centralized data base directory of all fish passage barrier  
34 information. The data base directory shall include, but is not limited  
35 to, existing fish passage inventories, fish passage projects, grant  
36 program applications, and other data bases. These data shall be used  
37 to coordinate and assist in habitat recovery and project mitigation  
38 projects.

1        NEW SECTION.   **Sec. 5.**   Sections 1 through 3 of this act expire July  
2   1, 2003.

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