
HOUSE BILL 2975

State of Washington

56th Legislature

2000 Regular Session

By Representatives Anderson, Linville, Reardon, Stensen, Grant, Wood, Romero and Cody

Read first time 01/25/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to phasing out the use of mixing zones for
2 persistent bioaccumulative toxic pollutants; amending RCW 90.48.020;
3 adding a new section to chapter 90.48 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that all
6 waters of the state meet water quality standards, that the public enjoy
7 the full range of beneficial uses of state waters, and that water
8 quality standards be enforced. It is the further intent of the
9 legislature that sacrificing areas of the state for diluting pollution
10 is unacceptable for long-lasting pollutants that are particularly
11 harmful to wildlife and people, especially children, because of the
12 pollutants' propensity to build up in the food chain and in breastmilk.
13 The legislature recognizes that the department of ecology has initiated
14 a strategy to eliminate discharges of these persistent bioaccumulative
15 toxics and that phasing out mixing zones for these toxic pollutants is
16 an important step toward eliminating discharges.

17 **Sec. 2.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read
18 as follows:

1 ~~((Whenever the word))~~ The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Aquatic noxious weed" has the meaning prescribed under RCW
4 17.26.020.

5 (2) "Department" means the department of ecology.

6 (3) "Director" means the director of ecology.

7 (4) "Mixing zone" means an area in a waterbody which is around or
8 beyond a point source outfall in which concentrations of a particular
9 pollutant mix with receiving waters.

10 (5) "Persistent bioaccumulative toxics" includes the following
11 chemicals and compounds:

12 (a) Aldrin;

13 (b) Anthracene;

14 (c) Benzo(a)pyrene;

15 (d) Benzo(ghi)perylene;

16 (e) Benz(a)anthracene;

17 (f) Cadmium and compounds;

18 (g) Chlordane;

19 (h) DDT (DDD, DDE);

20 (i) 1,4-dichlorobenzene;

21 (j) 3,3'-dichlorobenzidine;

22 (k) Dieldrin;

23 (l) Endosulfan, including isomers and sulphate;

24 (m) Endrin;

25 (n) Heptachlor;

26 (o) Hexachlorobenzene;

27 (p) A-1,2,3,4,5,6-hexachlorocyclohexane;

28 (q) G-1,2,3,4,5,6-hexachlorocyclohexane or Lindane;

29 (r) Mercury and compounds;

30 (s) Mirex;

31 (t) Pentachlorophenol;

32 (u) Perylene;

33 (v) Phenanthrene;

34 (w) Polychlorinated biphenyls;

35 (x) Polychlorinated dibenzo-p-dioxins and furans;

36 (y) Toxaphene;

37 (z) Tributyl tin;

38 (aa) Trifluralin;

39 (bb) Lead.

1 This definition also includes other chemicals and compounds as
2 adopted by the department by rule.

3 ~~((is used in this chapter, it shall be construed to~~
4 ~~include))~~ means any political subdivision, government agency,
5 municipality, industry, public or private corporation, copartnership,
6 association, firm, individual, or any other entity whatsoever.

7 ~~((Wherever the words))~~ (7) "Pollution" means such contamination, or
8 other alteration of the physical, chemical, or biological properties,
9 of any waters of the state, including change in temperature, taste,
10 color, turbidity, or odor of the waters, or such discharge of any
11 liquid, gaseous, solid, radioactive, or other substance into any waters
12 of the state as will or is likely to create a nuisance or render such
13 waters harmful, detrimental, or injurious to the public health, safety,
14 or welfare, or to domestic, commercial, industrial, agricultural,
15 recreational, or other legitimate beneficial uses, or to livestock,
16 wild animals, birds, fish, or other aquatic life.

17 ~~((shall be used in this chapter, they~~
18 ~~shall be construed to include))~~ means lakes, rivers, ponds, streams,
19 inland waters, underground waters, salt waters, and all other surface
20 waters and watercourses within the jurisdiction of the state of
21 Washington.

22 ~~((Whenever the word "pollution" is used in this chapter, it shall~~
23 ~~be construed to mean such contamination, or other alteration of the~~
24 ~~physical, chemical or biological properties, of any waters of the~~
25 ~~state, including change in temperature, taste, color, turbidity, or~~
26 ~~odor of the waters, or such discharge of any liquid, gaseous, solid,~~
27 ~~radioactive, or other substance into any waters of the state as will or~~
28 ~~is likely to create a nuisance or render such waters harmful,~~
29 ~~detrimental or injurious to the public health, safety or welfare, or to~~
30 ~~domestic, commercial, industrial, agricultural, recreational, or other~~
31 ~~legitimate beneficial uses, or to livestock, wild animals, birds, fish~~
32 ~~or other aquatic life.~~

33 ~~Wherever the word "department" is used in this chapter it shall~~
34 ~~mean the department of ecology.~~

35 ~~Whenever the word "director" is used in this chapter it shall mean~~
36 ~~the director of ecology.~~

37 ~~Whenever the words "aquatic noxious weed" are used in this chapter,~~
38 ~~they have the meaning prescribed under RCW 17.26.020.)~~

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
2 to read as follows:

3 (1) The department of ecology shall adopt by rule criteria for
4 designating chemicals and compounds as persistent bioaccumulative
5 toxics.

6 (2) The department shall adopt by rule a plan to phase out the use
7 of mixing zones for persistent bioaccumulative toxics for existing
8 sources. The department shall finalize the rule within two years of
9 the effective date of this act. It shall report to the legislature on
10 progress on the phase-out rule during the 2001 legislative session.

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