

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5670**

56th Legislature  
1999 First Special Session

Passed by the Senate May 19, 1999  
YEAS 45 NAYS 0

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**President of the Senate**

Passed by the House May 19, 1999  
YEAS 93 NAYS 1

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5670** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 5670

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Passed Legislature - 1999 First Special Session

State of Washington

56th Legislature

1999 Regular Session

By Senators Snyder and Rasmussen

Read first time 02/01/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to water pollution control; amending RCW 90.48.445;  
2 and declaring an emergency.

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

4 **Sec. 1.** RCW 90.48.445 and 1995 c 255 s 3 are each amended to read  
5 as follows:

6 (1) The director shall issue or approve water quality permits for  
7 use by federal, state, or local governmental agencies and licensed  
8 applicators for the purpose of using, for aquatic noxious weed control,  
9 herbicides and surfactants registered under state or federal pesticide  
10 control laws, and for the purpose of experimental use of herbicides on  
11 aquatic sites, as defined in 40 C.F.R. Sec. 172.3. The issuance of the  
12 permits shall be subject only to compliance with: Federal and state  
13 pesticide label requirements, the requirements of the federal  
14 insecticide, fungicide, and rodenticide act, the Washington pesticide  
15 control act, the Washington pesticide application act, and the state  
16 environmental policy act(~~and~~), except that:

17 (a) When the director issues water quality permits for the purpose  
18 of using glyphosate and surfactants registered by the department of

1 agriculture to control spartina, as defined by RCW 17.26.020, the water  
2 quality permits shall contain the following criteria:

3 (i) Spartina treatment shall occur between June 1st and October  
4 31st of each year unless the department, the department of agriculture,  
5 and the department of fish and wildlife agree to add additional dates  
6 beyond this period, except that no aerial application shall be allowed  
7 on July 4th or Labor Day and for ground application on those days the  
8 applicator shall post signs at each corner of the treatment area;

9 (ii) The applicator shall take all reasonable precautions to  
10 prevent the spraying of nontarget vegetation and nonvegetated areas;

11 (iii) A period of fourteen days between treatments is required  
12 prior to re-treating the previously treated areas;

13 (iv) Aerial or ground broadcast application shall not be made when  
14 the wind speed exceeds ten miles per hour; and

15 (v) An application shall not be made when a tidal regime leaves the  
16 plants dry for less than four hours.

17 (b) The director shall issue water quality permits for the purpose  
18 of using herbicides or surfactants registered by the department of  
19 agriculture to control aquatic noxious weeds, other than spartina, and  
20 the permit shall state that aerial and ground broadcast applications  
21 may not be made when the wind speed exceeds ten miles per hour.

22 (c) The director shall issue water quality permits for the  
23 experimental use of herbicides on aquatic sites, as defined in 40  
24 C.F.R. Sec. 172.3, when the department of agriculture has issued an  
25 experimental use permit, under the authority of RCW 15.58.405(3).  
26 Because of the small geographic areas involved and the short duration  
27 of herbicide application, water quality permits issued under this  
28 subsection are not subject to state environmental policy act review.

29 (2) Applicable requirements established in an option or options  
30 recommended for controlling the noxious weed by a final environmental  
31 impact statement published under chapter 43.21C RCW by the department  
32 prior to May 5, 1995, by the department of agriculture, or by the  
33 department of agriculture jointly with other state agencies shall be  
34 considered guidelines for the purpose of granting the permits issued  
35 under this chapter. This section may not be construed as requiring the  
36 preparation of a new environmental impact statement to replace a final  
37 environmental impact statement published before May 5, 1995, but  
38 instead shall authorize the department of agriculture, as lead agency  
39 for the control of spartina under RCW 17.26.015, to supplement, amend,

1 or issue addenda to the final environmental impact statement published  
2 before May 5, 1995, which may assess the environmental impact of the  
3 application of stronger concentrations of active ingredients, altered  
4 application patterns, or other changes as the department of agriculture  
5 deems appropriate.

6 ((+2)) (3) The director of ecology may not utilize this permit  
7 authority to otherwise condition or burden weed control efforts.  
8 Except for permits issued by the director under subsection (1)(c) of  
9 this section, permits issued under this section are effective for five  
10 years, unless a shorter duration is requested by the applicant. The  
11 director's authority to issue water quality modification permits for  
12 activities other than the application of surfactants and approved  
13 herbicides, to control aquatic noxious weeds or the experimental use of  
14 herbicides used on aquatic sites, as defined in 40 C.F.R. Sec. 172.3,  
15 is unaffected by this section.

16 ((+3)) (4) As used in this section, "aquatic noxious weed" means  
17 an aquatic weed on the state noxious weed list adopted under RCW  
18 17.10.080.

19 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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