

2 **SHB 2866 - H AMD Adopted 0239 February 19, 2002**

3 By Representative

4

5 Beginning on page 7, on line 23, strike all of sections 4 and 5 and  
6 insert the following:

7 "NEW SECTION. **Sec. 4.** A new section is added to chapter 77.55 RCW  
8 to read as follows:

9 (1) The regulation of storm water projects is the primary  
10 responsibly of the department of ecology and local governments under  
11 chapter 90.48 RCW. Notwithstanding any other provision of this  
12 chapter, all hydraulic project approvals related to storm water  
13 discharges must follow the provisions established in this section.

14 (2) Once the department of ecology or a local government has  
15 approved a storm water project that is consistent with the guidelines  
16 contained in the department of ecology's adopted storm water manual, or  
17 its equivalent, a hydraulic project approval is only required for the  
18 actual construction of any storm water outfall or associated structures  
19 pursuant to this chapter. The department may not in these instances  
20 deny or condition hydraulic project approvals for water quality or  
21 quantity impacts arising from storm water discharges for which the  
22 structure is being installed.

23 (3)(a) In any other location the department may issue hydraulic  
24 project approvals that contain provisions that protect fish life from  
25 adverse effects, such as scouring or erosion of the bed of the water  
26 body, resulting from the direct hydraulic impacts of the discharge.

27 (b) Prior to the issuance of a hydraulic project approval issued  
28 under this subsection (3), the department must:

29 (i) Make a finding that the discharge from the outfall will cause  
30 harmful effects to fish life;

31 (ii) Transmit the findings to the applicant and to the city or  
32 county where the project is being proposed; and

33 (iii) Allow the applicant an opportunity to use local ordinances or  
34 other mechanisms to avoid the adverse effects resulting from the direct  
35 hydraulic discharge.

1 (c) After following the procedures set forth in (b) of this  
2 subsection, the department may issue a hydraulic project approval that  
3 prescribes the discharge rates from an outfall structure that will  
4 prevent adverse effects to the bed or flow of the waterway. The  
5 department may recommend, but not specify, the measures required to  
6 meet these discharge rates. The department may not require changes to  
7 the project design above the mean higher high water mark of marine  
8 waters, or the ordinary high water mark of fresh waters of the state.  
9 Nothing in this section alters any authority the department may have to  
10 regulate other types of projects under this chapter."

11 Renumber the remaining sections consecutively, correct any internal  
12 references accordingly, and correct the title.

EFFECT: This amendment: (1) Specifies that the Department of Ecology and local governments have the primary responsibility for the regulation of storm water projects; (2) restricts the Department of Fish and Wildlife from denying or conditioning hydraulic project approvals for storm water quality and quantity impacts once the Department of Ecology or a local government has approved a project as being consistent with the Department of Ecology's storm water manual; (3) authorizes the Department of Fish and Wildlife to issue hydraulic project approvals in certain areas that contain provisions to protect fish life, after the department makes a finding that the outfall will cause harmful effects, the findings are transmitted to the applicant and the appropriate local government, and the applicant has had the opportunity to use local ordinances to avoid the adverse effects; and (4) prohibits the Department of Fish and Wildlife from requiring changes to project designs above the mean higher high water mark of marine waters, or the ordinary high water mark of fresh waters of the state.

--- END ---