
HOUSE BILL 2705

State of Washington

57th Legislature

2002 Regular Session

By Representatives Hatfield, Mulliken, Doumit, Mielke and Buck

Read first time 01/24/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to studies conducted by the department of ecology;
2 amending RCW 43.21A.130; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the department of
5 ecology conducted a total maximum daily load study for the Willapa
6 river. Local representatives from Pacific county, the cities of South
7 Bend and Raymond, and the Port of Willapa believed that the
8 department's conclusions were incorrect and the resulting regulatory
9 impacts would be inappropriate and expensive. The legislature further
10 finds that the local representatives were unable to negotiate with the
11 department of ecology in regards to the study and hired a consultant to
12 review the study. The consultant supported the view of the local
13 representatives and the department of ecology agreed to problems with
14 their study.

15 The legislature finds that the costs of hiring a consultant to
16 review disputed studies of the department of ecology depletes the money
17 available to necessary services for local governments and should be
18 reimbursed by the department.

1 **Sec. 2.** RCW 43.21A.130 and 1987 c 505 s 28 are each amended to
2 read as follows:

3 (1) In addition to any other powers granted the director, the
4 director may undertake studies dealing with all aspects of
5 environmental problems involving land, water, or air: PROVIDED, That
6 in the absence of specific legislative authority, such studies shall be
7 limited to investigations of particular problems, and shall not be
8 implemented by positive action.

9 (2) Local governments that are affected by the studies under this
10 section must be allowed to discuss the findings with the director and,
11 if necessary, dispute the findings. If the department does not respond
12 to the affected parties' concerns, the parties may hire a consultant to
13 review the studies. If the consultant finds the studies to be flawed
14 or conducted in an unprofessional manner, the local government may
15 bring an action in a court of competent jurisdiction to have the study
16 disregarded and costs awarded to the local government. Costs under
17 this subsection include consultant fees and court costs.

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