

1 **SSB 5787 - H AMD 366 ADOPTED 4/18/03**
2 By Representative Linville

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48
6 RCW to read as follows:

7 (1) In order to ensure that construction projects involving the
8 use of fill material do not pose a threat to water quality, the
9 department may require that the suitability of potential fill
10 material be evaluated using a leaching test included in the soil
11 clean-up rules adopted by the department under chapter 70.105D RCW
12 in any water quality certification issued under section 401 of the
13 federal clean water act and in any administrative order issued
14 under this chapter, where such certification or administrative
15 order authorizes the placement of fill material, some or all of
16 which will be placed in waters of the state. Any such requirement
17 imposed by the department in a water quality certification or
18 administrative order issued prior to the effective date of this
19 section is ratified and approved by the legislature as a valid and
20 reliable method for determining concentrations of chemical
21 constituents that can be present in fill material without posing an
22 unacceptable risk of violating water quality standards, and shall
23 be in effect as imposed by the department for all work not
24 completed by June 1, 2003.

25 (2) Nothing in this section limits, in any way, the
26 department's authority under this chapter.

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

29 The department shall identify the leaching tests utilized for
30 evaluating the potential impacts to water quality in situations
31 where fill material is imported. The tests may include those
32 identified in the soil clean-up rules adopted by the department

1 under chapter 70.105D RCW. Within existing resources, the
2 department shall assess whether this list of leaching tests
3 provides appropriate methods for analyzing water quality impacts
4 for all types of projects and in all circumstances where fill
5 material is imported. The department shall also identify any gaps
6 in leaching test methodology. The department shall report both the
7 leaching test list and the list of test methodology gaps to the
8 appropriate committees of the legislature by December 31, 2003.

9 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of
11 the state government and its existing public institutions, and
12 takes effect immediately."

13 Correct the title.

EFFECT: (1) Replaces provisions specifically authorizing the use of the Synthetic Precipitation Leaching Procedure (SPLP) with provisions allowing the Department of Ecology (DOE) to require the use of a leaching test included in the Model Toxics Control Act (MTCA) soil cleanup rules (retains legislative ratification and approval provisions). (2) Requires the DOE to identify and assess the effectiveness of leaching tests used for evaluating potential water quality impacts from fill importation. (3) Adds an emergency clause.