

# FINAL BILL REPORT

## E2SSB 5957

---

### C 228 L 04

Synopsis as Enacted

**Brief Description:** Establishing a system of standards and procedures concerning water quality data.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland).

**Senate Committee on Natural Resources, Energy & Water**  
**Senate Committee on Ways & Means**  
**House Committee on Agriculture & Natural Resources**  
**House Committee on Appropriations**

**Background:** The federal Clean Water Act requires states to report on the quality of water bodies and to list those that are impaired. For those listed as impaired, a Total Maximum Daily Load (TMDL) must be prepared, regulating the amounts of pollutants that may be discharged and allocating the amounts among their sources. To accomplish these requirements, states evaluate existing and readily available water quality data and information and determine which data they will rely upon. The governing federal regulation requires quality assurance and control programs to assure scientifically valid data.

**Summary:** The need to obtain data from various available sources, so long as it meets requirements for quality, is affirmed.

Credible information and literature must be used in the process of establishing any total maximum daily load. Credible data must be used for listing waters whose beneficial uses are impaired by pollutants, developing total maximum daily loads for impaired waters, or determining whether beneficial uses are being supported. The Department of Ecology is required to acknowledge questions regarding the information and data it has used within five days and provide a reasonable estimate of when it will answer.

For water quality data to be considered credible, quality control procedures must be followed and documented, data must be representative of conditions at the time of collection, the number of samples must be adequate for the water and the parameters being analyzed, and protocols generally accepted in the scientific community must be used for the sampling and analysis. The department is required to adopt policy regarding qualifications for collecting data, determination of credibility, and explanation of methodology.

Knowing falsification of data is a gross misdemeanor.

The department must give a progress report by December 31, 2005 and a report on development of rule-making or policy by December 31, 2006.

The cooperative management agreement among the state, EPA, and the tribes for total maximum daily load development is acknowledged. Resulting data that meets the objectives of an approved quality assurance plan must be considered.

**Votes on Final Passage:**

Senate	32	17	
House	91	3	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 10, 2004