
SUBSTITUTE SENATE BILL 5028

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Hale)

READ FIRST TIME 02/07/03.

1 AN ACT Relating to water pollution; and amending RCW 90.48.010,
2 90.48.020, and 90.48.037.

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

4 **Sec. 1.** RCW 90.48.010 and 1973 c 155 s 1 are each amended to read
5 as follows:

6 It is declared to be the public policy of the state of Washington
7 to maintain the highest possible standards to (~~insure~~) ensure the
8 purity of all waters of the state consistent with public health and
9 public enjoyment thereof, the propagation and protection of wild life,
10 birds, game, fish and other aquatic life, and the industrial
11 development of the state, and to that end require the use of all known
12 available and reasonable methods by industries and others to prevent
13 and control the pollution of the waters of the state of Washington.
14 Consistent with this policy, the state of Washington will exercise its
15 powers granted under this chapter to regulate water pollution, as fully
16 and as effectively as possible, to retain and secure high quality for
17 all waters of the state. The state of Washington in recognition of the
18 federal government's interest in the quality of the navigable waters of
19 the United States, of which certain portions thereof are within the

1 jurisdictional limits of this state, proclaims a public policy of
2 working cooperatively with the federal government in a joint effort to
3 extinguish the sources of water quality degradation, while at the same
4 time preserving and vigorously exercising state powers to (~~insure~~)
5 ensure that present and future standards of water quality within the
6 state shall be determined by the citizenry, through and by the efforts
7 of state government, of the state of Washington.

8 **Sec. 2.** RCW 90.48.020 and 2002 c 161 s 4 are each amended to read
9 as follows:

10 Whenever the word "person" is used in this chapter, it shall be
11 construed to include any political subdivision, government agency,
12 municipality, industry, public or private corporation, copartnership,
13 association, firm, individual or any other entity whatsoever.

14 Wherever the words "waters of the state" shall be used in this
15 chapter, they shall be construed to include lakes, rivers, ponds,
16 streams, inland waters, underground waters, salt waters and all other
17 surface waters and watercourses within the jurisdiction of the state of
18 Washington.

19 Whenever the word "pollution" is used in this chapter, it shall be
20 construed to mean such contamination, or other alteration of the
21 physical, chemical or biological properties, of any waters of the
22 state, including change in temperature, taste, color, turbidity, or
23 odor of the waters, or such discharge of any liquid, gaseous, solid,
24 radioactive, or other substance into any waters of the state as will or
25 is likely to create a nuisance or render such waters harmful,
26 detrimental or injurious to the public health, safety or welfare, or to
27 domestic, commercial, industrial, agricultural, recreational, or other
28 legitimate beneficial uses, or to livestock, wild animals, birds, fish
29 or other aquatic life. Exercise of any water right claim, permit, or
30 certificate granted under chapter 90.03, 90.14, or 90.44 RCW to
31 withdraw or divert water does not constitute "pollution" as defined by
32 this chapter.

33 Wherever the word "department" is used in this chapter it shall
34 mean the department of ecology.

35 Whenever the word "director" is used in this chapter it shall mean
36 the director of ecology.

1 Whenever the words "aquatic noxious weed" are used in this chapter,
2 they have the meaning prescribed under RCW 17.26.020.

3 Whenever the words "general sewer plan" are used in this chapter
4 they shall be construed to include all sewerage general plans, sewer
5 general comprehensive plans, plans for a system of sewerage, and other
6 plans for sewer systems adopted by a local government entity including
7 but not limited to cities, towns, public utility districts, and water-
8 sewer districts.

9 **Sec. 3.** RCW 90.48.037 and 1991 c 200 s 1102 are each amended to
10 read as follows:

11 The department, with the assistance of the attorney general, is
12 authorized to bring any appropriate action at law or in equity,
13 including action for injunctive relief, in the name of the people of
14 the state of Washington as may be necessary to carry out the provisions
15 of this chapter or chapter 90.56 RCW. However, the department must
16 rely solely on its authority granted under chapters 90.03, 90.14, and
17 90.44 RCW to condition, limit, regulate, or control any claim, permit,
18 or certificate to withdraw or divert water.

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