
SENATE BILL 5957

State of Washington

58th Legislature

2003 Regular Session

By Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland

Read first time 02/24/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to the collection and use of water quality data;
2 adding new sections to chapter 90.48 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Proper collection and review of credible water quality data is
6 necessary to ensure compliance with the requirements of the federal
7 clean water act;

8 (b) Developing and implementing water quality protection measures
9 based only on credible water quality data ensures that the financial
10 resources of state and local governments and regulated entities are
11 prioritized to address our state's most important water quality issues;
12 and

13 (c) The state currently lacks standards relating to the collection
14 of water quality data even though the collection and analysis of that
15 data provides the basis for water quality protection efforts and can
16 have significant regulatory and financial impacts.

17 (2) It is the intent of the legislature to establish a system of
18 standards and procedures to ensure that only credible water quality
19 data is used as the basis for specific state water quality programs.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout sections 3 through 6 of this act unless the context clearly
3 requires otherwise.

4 (1) "Credible data" means data meeting the requirements of section
5 4 of this act.

6 (2) "Department" means the Washington state department of ecology.

7 (3) "Impaired water" means a water body or segment thereof for
8 which credible data exists that satisfies the requirements of sections
9 3 through 6 of this act that demonstrates that the water body should be
10 identified pursuant to 33 U.S.C. Sec. 1313(d).

11 (4) "Naturally occurring condition" means any condition affecting
12 water quality that is not caused by human influence on the environment
13 including, but not limited to, soils, geology, hydrology, climate,
14 wildlife influence on the environment, and water flow with specific
15 consideration given to seasonal and other natural variations.

16 (5) "Section 303(d)" means 33 U.S.C. Sec. 1313(d).

17 (6) "Section 305(b)" means 33 U.S.C. Sec. 1315(b).

18 (7) "Total maximum daily load" has the same meaning as in the
19 federal water pollution control act.

20 NEW SECTION. **Sec. 3.** (1) The department shall only use credible
21 data when doing any of the following:

22 (a) Developing and reviewing any water quality standard;

23 (b) Determining whether any water of the state is to be placed on
24 or removed from any section 303(d) list;

25 (c) Determining whether any water of the state is supporting its
26 designated use or other classification;

27 (d) Determining any degradation of a water of the state; or

28 (e) Establishing a total maximum daily load for any water of the
29 state.

30 (2) Credible data is not required for any section 305(b) report or
31 for the establishment of a designated use or other classification of a
32 water of the state.

33 NEW SECTION. **Sec. 4.** (1) In collecting and analyzing water
34 quality data for any purpose identified in section 3 of this act, data
35 is considered credible data only if the department has determined all
36 of the following:

1 (a) Appropriate quality assurance and quality control procedures
2 were followed and documented in collecting and analyzing the data;

3 (b) The samples or analyses are representative of water quality
4 conditions at the time the data was collected;

5 (c) The data consists of an adequate number of samples based on the
6 nature of the water in question and the parameters being analyzed;

7 (d) The method of sampling and analysis, including analytical,
8 statistical, and modeling methods, is generally accepted and validated
9 in the scientific community as appropriate for use in assessing the
10 condition of the water; and

11 (e) The data was collected by the department or a professional
12 designee of the department.

13 (2) The department shall adopt rules governing the collection of
14 water quality data meeting the requirements for credible data in
15 sections 3 through 6 of this act.

16 NEW SECTION. **Sec. 5.** (1) In assessing whether a water body is
17 impaired, the department shall consider the data available in light of
18 the nature of the water in question, including whether the water body
19 is ephemeral. A water body in which pollutant loadings from naturally
20 occurring conditions alone are sufficient to cause a violation of
21 applicable surface water quality standards may not be listed as
22 impaired.

23 (2) If the department has adopted a numeric surface water quality
24 standard for a pollutant and that standard is not being exceeded in a
25 water body, the department may not list the water body as impaired
26 based on a conclusion that the pollutant causes a violation of a
27 narrative or biological standard unless:

28 (a) The department has determined that the numeric standard is
29 insufficient to protect water quality; and

30 (b) The department has identified specific reasons that are
31 appropriate for the water body in question, that are based on generally
32 accepted scientific principles and that support the department's
33 determination.

34 (3) The department shall add a water body to or remove a water body
35 from the list outside of the normal listing cycle if it collects or
36 receives credible data that satisfies the requirements of sections 3
37 through 6 of this act and that demonstrates that the current quality of

1 the water is such that it should be removed from or added to the list.
2 A listed water body may no longer warrant classification as impaired or
3 an unlisted water may be identified as impaired if the applicable
4 surface water quality standards, implementation procedures, or
5 designated uses have changed or if there is a change in water quality.

6 (4) The department may not list a water body as impaired if the
7 failure to meet state water quality standards is caused solely by
8 violations of national pollutant discharge elimination system program
9 permits issued by the department and the enforcement of the pollution
10 control measures in such permits is required.

11 NEW SECTION. **Sec. 6.** Nothing in sections 3 through 6 of this act
12 may be construed to either require credible data in order for the
13 department to bring an action for violation of state water quality laws
14 or require credible data for water quality monitoring or data
15 collection purposes other than those specifically identified in
16 sections 3 through 6 of this act.

17 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each
18 added to chapter 90.48 RCW.

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