

SSB 6607 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 03/05/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read
4 as follows:

5 The legislative authority of each county having shellfish tidelands
6 within its boundaries is authorized to establish a shellfish protection
7 district to include areas in which nonpoint pollution threatens the
8 water quality upon which the continuation or restoration of shellfish
9 farming or harvesting is dependent. The legislative authority shall
10 constitute the governing body of the district and shall adopt a
11 shellfish protection program with elements and activities to be
12 effective within the district. The legislative authority may appoint
13 a local advisory council to advise the legislative authority in
14 preparation and implementation of shellfish protection programs. This
15 program shall include any elements deemed appropriate to deal with the
16 nonpoint pollution threatening water quality over shellfish tidelands,
17 including, but not limited to, requiring the elimination or decrease of
18 contaminants in storm water runoff, establishing monitoring,
19 inspection, and repair elements to ensure that on-site sewage systems
20 are adequately maintained and working properly, assuring that animal
21 grazing and manure management practices are consistent with best
22 management practices, and establishing educational and public
23 involvement programs to inform citizens on the causes of the
24 threatening nonpoint pollution and what they can do to decrease the
25 amount of such pollution. The county legislative authority shall
26 consult with the department of health, the department of ecology, the
27 department of agriculture, or the conservation commission as
28 appropriate as to the elements of the program. An element may be
29 omitted where another program is effectively addressing those sources
30 of nonpoint water pollution. Within the limits of RCW 90.72.040 and

1 90.72.070, the county legislative authority shall have full
2 jurisdiction and authority to manage, regulate, and control its
3 programs and to fix, alter, regulate, and control the fees for services
4 provided and charges or rates as provided under those programs.
5 Programs established under this chapter, may, but are not required to,
6 be part of a system of sewerage as defined in RCW 36.94.010.

7 **Sec. 2.** RCW 90.72.045 and 2007 c 150 s 2 are each amended to read
8 as follows:

9 The county legislative authority shall create a shellfish
10 protection district and establish a shellfish protection program
11 developed under RCW 90.72.030 or an equivalent program to address the
12 causes or suspected causes of pollution within one hundred eighty days
13 after the department of health, because of water quality degradation
14 due to ongoing nonpoint sources of pollution has closed or downgraded
15 the classification of a recreational or commercial shellfish growing
16 area within the boundaries of the county. The county legislative
17 authority shall initiate implementation of the shellfish protection
18 program within sixty days after it is established.

19 A copy of the program must be provided to the departments of
20 health, ecology, and agriculture. An agency that has regulatory
21 authority for any of the sources of nonpoint pollution covered by the
22 program shall cooperate with the county in its implementation. The
23 county legislative authority shall submit a written report to the
24 department of health annually that describes the status and progress of
25 the program. If rates or fees are collected under RCW 90.72.070 for
26 implementation of the shellfish protection district program, the annual
27 report shall provide sufficient detail of the expenditure of the
28 revenue collected to ensure compliance with RCW 90.72.070.

29 **Sec. 3.** RCW 90.72.070 and 1992 c 100 s 6 are each amended to read
30 as follows:

31 The county legislative authority establishing a shellfish
32 protection district may finance the protection program through (1)
33 county tax revenues, (2) reasonable inspection fees and similar fees
34 for services provided, (3) reasonable charges or rates specified in its
35 protection program, or (4) federal, state, or private grants.
36 (~~Confined animal feeding operations subject to the national pollutant~~

1 ~~discharge elimination system and implementing regulations shall not be~~
2 ~~subject to fees, rates, or charges by a shellfish protection~~
3 ~~district.))~~ A dairy animal feeding operation with a certified dairy
4 nutrient management plan as required in chapter 90.64 RCW and any other
5 commercial agricultural operation on agricultural lands as defined in
6 RCW 36.70A.030 shall be subject to fees, rates, or charges by a
7 shellfish protection district of no more than five hundred dollars in
8 a calendar year. Facilities permitted and assessed fees for wastewater
9 discharge under the national pollutant discharge elimination system
10 shall not be subject to fees, rates, or charges for wastewater
11 discharge by a shellfish protection district. Lands classified as
12 forest land under chapter 84.33 RCW and timber land under chapter 84.34
13 RCW shall not be subject to fees, rates, or charges by a shellfish
14 protection district. Counties may collect charges or rates in the
15 manner determined by the county legislative authority."

16 Correct the title.

--- END ---