

SSB 6307 - S AMD 63

By Senator Honeyford

NOT ADOPTED 02/18/2008

1 On page 5, after line 34, insert the following:

2 "NEW SECTION. **Sec. 4.** (1) The legislature finds that many sewage
3 treatment facilities in the Puget Sound watershed manage excess
4 capacity not by building extra containment facilities or minimizing
5 passive introductions, but by allowing raw and untreated human sewage
6 and storm drain collections to flow directly into the Puget Sound.
7 This practice, although destructive to the Puget Sound's ecosystem, is
8 a legal activity and an accepted practice under the national pollution
9 discharge elimination system permit held by most sewage treatment
10 facilities.

11 (2) The legislature further finds that recent years have brought
12 with them significant investments in the health of Puget Sound, both by
13 the state, federal government, tribal governments, nonprofit
14 organizations, and the business community. These investments have come
15 in the form of policy initiatives, financial contributions, and
16 countless hours of volunteer labor.

17 (3) The legislature further finds that although sewage treatment
18 facilities may be technically allowed to discharge untreated sewage
19 into the Puget Sound, that does not mean that the entities responsible
20 for the facilities should be entitled to receive recognition as a Puget
21 Sound partner, and the benefits that come with the designation, while
22 actively embracing policies that result in a significant undermining of
23 the investments made to restore the health of Puget Sound.

24 (4) Therefore, it is the intent of the legislature to avoid the
25 creation of a mechanism that rewards sewage treatment facilities for
26 operating in a way that is destructive to the health of Puget Sound,
27 and to send a strong message to sewage treatment facilities that there
28 is a difference between how they are legally permitted to operate and
29 how they should choose to operate as good neighbors to a treasured and
30 imperiled aquatic ecosystem.

1 **Sec. 5.** RCW 90.71.340 and 2007 c 341 s 16 are each amended to read
2 as follows:

3 (1) The legislature intends that fiscal incentives and
4 disincentives be used as accountability measures designed to achieve
5 consistency with the action agenda by:

6 (a) Ensuring that projects and activities in conflict with the
7 action agenda are not funded;

8 (b) Aligning environmental investments with strategic priorities of
9 the action agenda; and

10 (c) Using state grant and loan programs to encourage consistency
11 with the action agenda.

12 (2) The council shall adopt measures to ensure that funds
13 appropriated for implementation of the action agenda and identified by
14 proviso or specifically referenced in the omnibus appropriations act
15 pursuant to RCW 43.88.030(1)(g) are expended in a manner that will
16 achieve the intended results. In developing such performance measures,
17 the council shall establish criteria for the expenditure of the funds
18 consistent with the responsibilities and timelines under the action
19 agenda, and require reporting and tracking of funds expended. The
20 council may adopt other measures, such as requiring interagency
21 agreements regarding the expenditure of provisoed or specifically
22 referenced Puget Sound funds.

23 (3) The partnership shall work with other state agencies providing
24 grant and loan funds or other financial assistance for projects and
25 activities that impact the health of the Puget Sound ecosystem under
26 chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and
27 90.50A RCW to, within the authorities of the programs, develop
28 consistent funding criteria that prohibits funding projects and
29 activities that are in conflict with the action agenda.

30 (4)(a)(i) The partnership shall develop a process and criteria by
31 which entities that consistently achieve outstanding progress in
32 implementing the action agenda are designated as Puget Sound partners.

33 (ii) No public entity may be named a Puget Sound partner if that
34 entity operates a sewage treatment system and:

35 (A) Has as a condition of its national pollution discharge
36 elimination system permit, or other government approval of its
37 operations, a provision to discharge untreated sewage into the Puget
38 Sound during storm events; and

1 (B) Has actually discharged more than one million gallons of
2 untreated sewage in any one hour, either lawfully or unlawfully, into
3 the Puget Sound within the previous five years.

4 (b) State agencies shall work with the partnership to revise their
5 grant, loan, or other financial assistance allocation criteria to
6 create a preference for entities designated as Puget Sound partners for
7 funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070,
8 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520,
9 and 90.50A.040. This process shall be developed on a timeline that
10 takes into consideration state grant and loan funding cycles.

11 (5) Any entity that receives state funds to implement actions
12 required in the action agenda shall report biennially to the council on
13 progress in completing the action and whether expected results have
14 been achieved within the time frames specified in the action agenda."

15 Renumber the remaining sections consecutively and correct any
16 internal references accordingly.

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17 On page 1, line 2 of the title, after "90.71.010," insert
18 "90.71.340,"

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