
SUBSTITUTE HOUSE BILL 2676

State of Washington 60th Legislature 2008 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Morris, Quall, Linville, and Pearson)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to dairy farm nutrient management; and amending RCW
2 90.72.030, 90.72.045, and 90.72.070.

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

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

6 The legislative authority of each county having shellfish tidelands
7 within its boundaries is authorized to establish a shellfish protection
8 district to include areas in which nonpoint pollution threatens the
9 water quality upon which the continuation or restoration of shellfish
10 farming or harvesting is dependent. The legislative authority shall
11 constitute the governing body of the district and shall adopt a
12 shellfish protection program with elements and activities to be
13 effective within the district. The legislative authority may appoint
14 a local advisory council to advise the legislative authority in
15 preparation and implementation of shellfish protection programs. This
16 program shall include any elements deemed appropriate to deal with the
17 nonpoint pollution threatening water quality over shellfish tidelands,
18 including, but not limited to, requiring the elimination or decrease of
19 contaminants in storm water runoff, establishing monitoring,

1 inspection, and repair elements to ensure that on-site sewage systems
2 are adequately maintained and working properly, assuring that animal
3 grazing and manure management practices are consistent with best
4 management practices, and establishing educational and public
5 involvement programs to inform citizens on the causes of the
6 threatening nonpoint pollution and what they can do to decrease the
7 amount of such pollution. The county legislative authority shall
8 consult with the department of health, the department of ecology, the
9 department of agriculture, or the conservation commission as
10 appropriate as to the elements of the program. An element may be
11 omitted where another program is effectively addressing those sources
12 of nonpoint water pollution. Within the limits of RCW 90.72.040 and
13 90.72.070, the county legislative authority shall have full
14 jurisdiction and authority to manage, regulate, and control its
15 programs and to fix, alter, regulate, and control the fees for services
16 provided and charges or rates as provided under those programs.
17 Programs established under this chapter, may, but are not required to,
18 be part of a system of sewerage as defined in RCW 36.94.010.

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

21 The county legislative authority shall create a shellfish
22 protection district and establish a shellfish protection program
23 developed under RCW 90.72.030 or an equivalent program to address the
24 causes or suspected causes of pollution within one hundred eighty days
25 after the department of health, because of water quality degradation
26 due to ongoing nonpoint sources of pollution has closed or downgraded
27 the classification of a recreational or commercial shellfish growing
28 area within the boundaries of the county. The county legislative
29 authority shall initiate implementation of the shellfish protection
30 program within sixty days after it is established.

31 A copy of the program must be provided to the departments of
32 health, ecology, and agriculture. An agency that has regulatory
33 authority for any of the sources of nonpoint pollution covered by the
34 program shall cooperate with the county in its implementation. The
35 county legislative authority shall submit a written report to the
36 department of health annually that describes the status and progress of
37 the program. If rates or fees are collected under RCW 90.72.070 for

1 implementation of the shellfish protection district program, the annual
2 report shall provide sufficient detail of the expenditure of the
3 revenue collected to ensure compliance with RCW 90.72.070.

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

6 The county legislative authority establishing a shellfish
7 protection district may finance the protection program through (1)
8 county tax revenues, (2) reasonable inspection fees and similar fees
9 for services provided, (3) reasonable charges or rates specified in its
10 protection program, or (4) federal, state, or private grants.
11 (~~Confined animal feeding operations subject to the national pollutant~~
12 ~~discharge elimination system and implementing regulations shall not be~~
13 ~~subject to fees, rates, or charges by a shellfish protection~~
14 ~~district.)) A dairy animal feeding operation with a certified dairy
15 nutrient management plan as required in chapter 90.64 RCW shall be
16 subject to fees, rates, or charges by a shellfish protection district
17 of no more than five hundred dollars in a calendar year. Facilities
18 permitted and assessed fees for wastewater discharge under the national
19 pollutant discharge elimination system shall not be subject to fees,
20 rates, or charges for wastewater discharge by a shellfish protection
21 district. Lands classified as forest land under chapter 84.33 RCW and
22 timber land under chapter 84.34 RCW shall not be subject to fees,
23 rates, or charges by a shellfish protection district. Counties may
24 collect charges or rates in the manner determined by the county
25 legislative authority.~~

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