
SUBSTITUTE SENATE BILL 6851

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Murray, Brown, Tom, Pridemore, Rockefeller, Kline, Oemig, Kauffman, McDermott, Gordon, Jacobsen, Keiser, Franklin, Fairley, McAuliffe, Eide, Fraser, Berkey, Shin, Kastama, Hargrove, Kohl-Welles, Regala, and Prentice)

READ FIRST TIME 03/10/10.

1 AN ACT Relating to the clean water act of 2010 funding cleanup of
2 water pollution and other programs necessary for the health and well-
3 being of Washington citizens through an increase in the tax on
4 hazardous substances; amending RCW 82.21.030; adding a new section to
5 chapter 90.48 RCW; adding a new section to chapter 46.68 RCW; creating
6 new sections; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** This act may be known and cited as the clean
9 water act of 2010.

10 NEW SECTION. **Sec. 2.** (1) The legislature finds that nonpoint
11 water pollution and contaminated storm water runoff is a major problem
12 in the state creating a significant burden on the rivers, aquifers,
13 lakes, streams, and marine receiving waters across Washington.

14 (2) The legislature recognizes that the burden of nonpoint and
15 storm water pollution is caused by both increased volumes of water
16 runoff due to the expansion of impervious surfaces and the toxic
17 substances that pollute the runoff. The burden of storm water and
18 nonpoint pollution from hazardous substances is difficult to offset

1 because the source of pollution is not a single physical point, but
2 occurs wherever the toxic substances are manufactured, used, or
3 consumed.

4 (3) The legislature finds that the federal government and the state
5 of Washington have identified control of pollutants in storm water
6 runoff through national pollutant discharge elimination system phase I
7 and phase II municipal storm water permits as a requirement for the
8 state and local jurisdictions. Impacts from the polluted storm water
9 may be prevented or controlled through retrofit projects for existing
10 infrastructure as well as other means.

11 (4) The legislature finds that resources available to offset the
12 direct burdens of storm water pollution by hazardous substances are
13 insufficient to meet existing needs. Existing funding is raised
14 largely by local governments and is disproportionately borne by fees
15 levied on individuals and property owners.

16 (5) Finally, the legislature finds that increasing the tax on
17 hazardous substances is necessary to fund programs that will offset the
18 burdens that pollution places on the environment and the waters of the
19 state.

20 **Sec. 3.** RCW 82.21.030 and 1989 c 2 s 10 are each amended to read
21 as follows:

22 (1)(a) A tax is imposed on the privilege of possession of hazardous
23 substances in this state. The rate of the tax (~~((shall be))~~) is seven-
24 tenths of one percent multiplied by the wholesale value of the
25 substance.

26 (b) Beginning July 1, 2010, an additional tax is imposed on the
27 privilege of possession of hazardous substances in this state. The
28 rate of the tax is equal to five-tenths of one percent multiplied by
29 the wholesale value of the substance.

30 (2)(a) Moneys collected under (~~(this chapter shall)~~) subsection
31 (1)(a) of this section must be deposited in the toxics control accounts
32 under RCW 70.105D.070 and expended in accordance with the purposes
33 stated therein.

34 (b) Moneys collected under subsection (1)(b) of this section must
35 be deposited as follows:

36 (i) Eighty-five percent must be deposited in the storm water
37 account created in section 4 of this act; and

1 (ii) Fifteen percent must be deposited into the motor vehicle
2 account to be used as required under section 5 of this act.

3 (3) Chapter 82.32 RCW applies to the tax imposed in this chapter.
4 The tax due dates, reporting periods, and return requirements
5 applicable to chapter 82.04 RCW apply equally to the tax imposed in
6 this chapter.

7 NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW
8 to read as follows:

9 (1) The storm water account is created in the state treasury.
10 Receipts from the tax imposed under RCW 82.21.030(1)(b) must be
11 deposited in the account as set forth in RCW 82.21.030. Moneys in the
12 account are allocated to the department of ecology and may be spent
13 only after appropriation. Expenditures from the account must be used
14 on activities or projects that mitigate or prevent storm water
15 pollution as provided in this section.

16 (2)(a) After deducting the department's administrative costs of no
17 more than four percent of the appropriations included in the omnibus
18 operating and capital appropriations acts associated with administering
19 a competitive grant process, moneys must be distributed annually as
20 provided in (b) of this subsection:

21 (b)(i) By January 1, 2011, and by January 1st of each year
22 thereafter, seventy-five thousand dollars must be provided to each
23 jurisdiction that is subject to the national pollutant discharge
24 elimination system phase I or phase II requirements.

25 (ii) The remaining moneys must be allocated through a grant process
26 to local governments covered by national pollutant discharge
27 elimination system municipal phase I or phase II permits to fund local
28 government projects or activities that mitigate or prevent
29 contamination of storm water or the recontamination of receiving waters
30 previously remediated under federal or state-approved activities. To
31 be eligible, local governments must provide fifty percent of project or
32 activity costs from other nonstate fund sources. The department must
33 allocate eighty percent of the moneys distributed under this subsection
34 (2)(b)(ii) to cities with the remainder going to counties.

35 (3) The department must initiate the grant application process by
36 July 1, 2010.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.68 RCW
2 to read as follows:

3 (1) The department of transportation must use taxes deposited in
4 the motor vehicle account under RCW 82.21.030(2)(b) to fund activities
5 or projects that address contamination of storm water related to
6 transportation infrastructure through the implementation of the
7 department of transportation's national pollutant discharge elimination
8 system programs permitted under chapter 90.48 RCW. Activities and
9 projects that may be supported with these funds include, but are not
10 limited to: Construction, operation, inspection, monitoring, and
11 maintenance of storm water facilities; purchase, operation, and
12 maintenance of vector trucks and vector decant facilities; purchase,
13 maintenance, and operation of storm water management inventory,
14 mapping, and information systems; storm water pollution prevention plan
15 development and implementation; and storm water training. For the
16 purposes of this section, "storm water facilities" includes, but is not
17 limited to, ponds, biofiltration swales, storm water treatment tanks,
18 detention vaults, oil water separators, dry wells, catch basins, and
19 filters.

20 (2) The taxes deposited in the motor vehicle account under RCW
21 82.21.030(2)(b) may not be used for construction of storm water
22 facilities associated with new road construction. For purposes of this
23 section, "new roads" includes roads that are new alignments. Roads
24 that add to or replace an existing roadway are not "new roads."

25 (3) Beginning January 1, 2011, the department of transportation
26 must deliver a biennial report describing the use of the funds to the
27 governor and the appropriate legislative committees.

28 NEW SECTION. **Sec. 6.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2010.

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