
HOUSE BILL 2338

State of Washington

62nd Legislature

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By Representatives Fagan, Schmick, Johnson, Angel, Blake, Short, Klippert, Asay, Condotta, Warnick, Nealey, Orcutt, Kristiansen, Haler, Van De Wege, Pearson, and Hurst

Read first time 01/11/12. Referred to Committee on Environment.

1 AN ACT Relating to fiscal relief to cities and counties during
2 periods of economic downturn by delaying new storm water requirements;
3 and amending RCW 90.48.260.

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

5 **Sec. 1.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read
6 as follows:

7 (1) The department of ecology is hereby designated as the state
8 water pollution control agency for all purposes of the federal clean
9 water act as it exists on February 4, 1987, and is hereby authorized to
10 participate fully in the programs of the act as well as to take all
11 action necessary to secure to the state the benefits and to meet the
12 requirements of that act. With regard to the national estuary program
13 established by section 320 of that act, the department shall exercise
14 its responsibility jointly with the Puget Sound partnership, created in
15 RCW 90.71.210. The department of ecology may delegate its authority
16 under this chapter, including its national pollutant discharge
17 elimination permit system authority and duties regarding animal feeding
18 operations and concentrated animal feeding operations, to the
19 department of agriculture through a memorandum of understanding. Until

1 any such delegation receives federal approval, the department of
2 agriculture's adoption or issuance of animal feeding operation and
3 concentrated animal feeding operation rules, permits, programs, and
4 directives pertaining to water quality shall be accomplished after
5 reaching agreement with the director of the department of ecology.
6 Adoption or issuance and implementation shall be accomplished so that
7 compliance with such animal feeding operation and concentrated animal
8 feeding operation rules, permits, programs, and directives will achieve
9 compliance with all federal and state water pollution control laws.
10 The powers granted herein include, among others, and notwithstanding
11 any other provisions of this chapter ((90.48-RCW)) or otherwise, the
12 following:

13 (a) Complete authority to establish and administer a comprehensive
14 state point source waste discharge or pollution discharge elimination
15 permit program which will enable the department to qualify for full
16 participation in any national waste discharge or pollution discharge
17 elimination permit system and will allow the department to be the sole
18 agency issuing permits required by such national system operating in
19 the state of Washington subject to the provisions of RCW 90.48.262(2).
20 Program elements authorized herein may include, but are not limited to:
21 (i) Effluent treatment and limitation requirements together with timing
22 requirements related thereto; (ii) applicable receiving water quality
23 standards requirements; (iii) requirements of standards of performance
24 for new sources; (iv) pretreatment requirements; (v) termination and
25 modification of permits for cause; (vi) requirements for public notices
26 and opportunities for public hearings; (vii) appropriate relationships
27 with the secretary of the army in the administration of his
28 responsibilities which relate to anchorage and navigation, with the
29 administrator of the environmental protection agency in the performance
30 of his duties, and with other governmental officials under the federal
31 clean water act; (viii) requirements for inspection, monitoring, entry,
32 and reporting; (ix) enforcement of the program through penalties,
33 emergency powers, and criminal sanctions; (x) a continuing planning
34 process; and (xi) user charges.

35 (b) The power to establish and administer state programs in a
36 manner which will insure the procurement of moneys, whether in the form
37 of grants, loans, or otherwise; to assist in the construction,

1 operation, and maintenance of various water pollution control
2 facilities and works; and the administering of various state water
3 pollution control management, regulatory, and enforcement programs.

4 (c) The power to develop and implement appropriate programs
5 pertaining to continuing planning processes, area-wide waste treatment
6 management plans, and basin planning.

7 The governor shall have authority to perform those actions required
8 of him or her by the federal clean water act.

9 (2) By July 31, 2012, the department shall:

10 (a) Reissue without modification and for a term of (~~one year~~)
11 three years any national pollutant discharge elimination system
12 municipal storm water general permit first issued on January 17, 2007;
13 and

14 (b) Issue an updated national pollutant discharge elimination
15 system municipal storm water general permit for any permit first issued
16 on January 17, 2007. An updated permit issued under this subsection
17 shall become effective beginning August 1, (~~2013~~) 2015.

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