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SENATE BILL 5080

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Sheldon, Rockefeller, Shin, and Chase

Read first time 01/13/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to control of water pollution; amending RCW  
2 70.146.010, 70.146.030, 90.50A.005, and 90.50A.010; and reenacting and  
3 amending RCW 70.146.020.

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

5 **Sec. 1.** RCW 70.146.010 and 2009 c 479 s 51 are each amended to  
6 read as follows:

7 The long-range health and environmental goals for the state of  
8 Washington require the protection of the state's surface and  
9 underground waters for the health, safety, use, enjoyment, and economic  
10 benefit of its people. It is the purpose of this chapter to provide  
11 financial assistance to the state and to local governments for the  
12 planning, design, acquisition, construction, and improvement of water  
13 pollution control facilities and related activities, including  
14 repairing or replacing failing on-site sewage systems and  
15 decommissioning and connecting failing on-site sewage systems to a  
16 sewerage system, in the achievement of state and federal water  
17 pollution control requirements for the protection of the state's  
18 waters.

1 It is the intent of the legislature that distribution of moneys for  
2 water pollution control facilities under this chapter be made on an  
3 equitable basis taking into consideration legal mandates, local effort,  
4 ratepayer impacts, and past distributions of state and federal moneys  
5 for water pollution control facilities.

6 It is the intent of this chapter that the cost of any water  
7 pollution control facility attributable to increased or additional  
8 capacity that exceeds one hundred ten percent of existing needs at the  
9 time of application for assistance under this chapter shall be entirely  
10 a local or private responsibility. It is the intent of this chapter  
11 that industrial pretreatment be paid by industries and that state funds  
12 shall not be used for such purposes.

13 **Sec. 2.** RCW 70.146.020 and 2009 c 479 s 52 are each reenacted and  
14 amended to read as follows:

15 (~~Unless the context clearly requires otherwise,~~) The definitions  
16 in this section apply throughout this chapter unless the context  
17 clearly requires otherwise.

18 (1) "Department" means the department of ecology.

19 (2) "Eligible cost" means the cost of that portion of a water  
20 pollution control facility that can be financed under this chapter  
21 excluding any portion of a facility's cost attributable to capacity  
22 that is in excess of that reasonably required to address one hundred  
23 ten percent of the applicant's needs for water pollution control  
24 existing at the time application is submitted for assistance under this  
25 chapter.

26 (3) "Nonpoint source water pollution" means pollution that enters  
27 any waters of the state from any dispersed water-based or land-use  
28 activities, including, but not limited to, atmospheric deposition,  
29 surface water runoff from agricultural lands, urban areas, and forest  
30 lands, subsurface or underground sources, such as failing on-site  
31 sewage systems, and discharges from boats or other marine vessels.

32 (4) "Public body" means the state of Washington or any agency,  
33 county, city or town, conservation district, other political  
34 subdivision, municipal corporation, quasi-municipal corporation, and  
35 those Indian tribes now or hereafter recognized as such by the federal  
36 government.

1 (5) "Sole source aquifer" means the sole or principal source of  
2 public drinking water for an area designated by the administrator of  
3 the environmental protection agency pursuant to Public Law 93-523, Sec.  
4 1424(b).

5 (6) "Water pollution" means such contamination, or other alteration  
6 of the physical, chemical, or biological properties of any waters of  
7 the state, including change in temperature, taste, color, turbidity, or  
8 odor of the waters, or such discharge of any liquid, gaseous, solid,  
9 radioactive, or other substance into any waters of the state as will or  
10 is likely to create a nuisance or render such waters harmful,  
11 detrimental, or injurious to the public health, safety, or welfare, or  
12 to domestic, commercial, industrial, agricultural, recreational, or  
13 other legitimate beneficial uses, or to livestock, wild animals, birds,  
14 fish, or other aquatic life.

15 (7) "Water pollution control activities" means actions taken by a  
16 public body for the following purposes: (a) To prevent or mitigate  
17 pollution of underground water; (b) to control nonpoint sources of  
18 water pollution, including failing on-site sewage systems; (c) to  
19 restore the water quality of fresh water lakes; and (d) to maintain or  
20 improve water quality through the use of water pollution control  
21 facilities or other means. (~~During the 1995-1997 fiscal biennium,~~)  
22 "Water pollution control activities" includes activities by state  
23 agencies to protect public drinking water supplies and sources.

24 (8) "Water pollution control facility" or "facilities" means any  
25 facilities or systems for the control, collection, storage, treatment,  
26 disposal, or recycling of wastewater, including but not limited to  
27 sanitary sewage, storm water, residential, commercial, industrial, and  
28 agricultural wastes, which are causing water quality degradation due to  
29 concentrations of conventional, nonconventional, or toxic pollutants.  
30 Water pollution control facilities include all equipment, utilities,  
31 structures, real property, and interests in and improvements on real  
32 property necessary for or incidental to such purpose. Water pollution  
33 control facilities also include such facilities, equipment, and  
34 collection systems as are necessary to protect federally designated  
35 sole source aquifers.

36 **Sec. 3.** RCW 70.146.030 and 2009 c 479 s 53 are each amended to  
37 read as follows:

1           The department may make grants or loans to public bodies, including  
2 grants to public bodies as cost-sharing moneys in any case where  
3 federal, local, or other funds are made available on a cost-sharing  
4 basis, for water pollution control facilities and activities, including  
5 repairing or replacing failing on-site sewage systems and  
6 decommissioning and connecting failing on-site sewage systems to a  
7 sewerage system, or for purposes of assisting a public body to obtain  
8 an ownership interest in water pollution control facilities and/or to  
9 defray a part of the payments made by a public body to a service  
10 provider under a service agreement entered into pursuant to RCW  
11 70.150.060, within the purposes of this chapter and for related  
12 administrative expenses. No more than three percent of the moneys may  
13 be used by the department to pay for the administration of the grant  
14 and loan program authorized by this chapter.

15           **Sec. 4.** RCW 90.50A.005 and 1988 c 284 s 1 are each amended to read  
16 as follows:

17           The long-range health and environmental goals for the state of  
18 Washington require the protection of the state's surface and  
19 underground waters for the health, safety, use, enjoyment, and economic  
20 benefit of its people. It is the purpose of this chapter to provide an  
21 account to receive federal capitalization grants to provide financial  
22 assistance to the state and to local governments for the planning,  
23 design, acquisition, construction, and improvement of water pollution  
24 control facilities and related activities, including repairing or  
25 replacing failing on-site sewage systems and decommissioning and  
26 connecting failing on-site sewage systems to a sewerage system, in the  
27 achievement of state and federal water pollution control requirements  
28 for the protection of the state's waters.

29           **Sec. 5.** RCW 90.50A.010 and 1988 c 284 s 2 are each amended to read  
30 as follows:

31           (~~Unless the context clearly requires otherwise,~~) The definitions  
32 in this section apply throughout this chapter unless the context  
33 clearly requires otherwise.

34           (1) "Department" means the department of ecology.

35           (2) "Eligible cost" means the cost of that portion of a water

1 pollution control facility or activity that can be financed under this  
2 chapter.

3 (3) "Fund" means the water pollution control revolving fund in the  
4 custody of the state treasurer.

5 (4) "Water pollution control facility" or "water pollution control  
6 facilities" means any facilities or systems owned or operated by a  
7 public body for the control, collection, storage, treatment, disposal,  
8 or recycling of wastewater, including but not limited to sanitary  
9 sewage, storm water, combined sewer overflows, residential, commercial,  
10 industrial, and agricultural wastes, which are causing water quality  
11 degradation due to concentrations of conventional, nonconventional, or  
12 toxic pollutants. Water pollution control facilities include all  
13 equipment, utilities, structures, real property, and interests in and  
14 improvements on real property necessary for or incidental to such  
15 purpose. Water pollution control facilities also include such  
16 facilities, equipment, and collection systems as are necessary to  
17 protect federally designated sole source aquifers.

18 (5) "Water pollution control activities" means actions taken by a  
19 public body for the following purposes: (a) To control nonpoint  
20 sources of water pollution, including failing on-site sewage systems;  
21 (b) to develop and implement a comprehensive management plan for  
22 estuaries; and (c) to maintain or improve water quality through the use  
23 of water pollution control facilities or other means.

24 (6) "Public body" means the state of Washington or any agency,  
25 county, city or town, other political subdivision, municipal  
26 corporation or quasi-municipal corporation, and those Indian tribes now  
27 or hereafter recognized as such by the federal government.

28 (7) "Water pollution" means such contamination, or other alteration  
29 of the physical, chemical, or biological properties of any waters of  
30 the state, including change in temperature, taste, color, turbidity, or  
31 odor of the waters, or such discharge of any liquid, gaseous, solid,  
32 radioactive, or other substance into any waters of the state as will or  
33 is likely to create a nuisance or render such waters harmful,  
34 detrimental, or injurious to the public health, safety, or welfare, or  
35 to domestic, commercial, industrial, agricultural, recreational, or  
36 other legitimate beneficial uses, or to livestock, wild animals, birds,  
37 fish, or other aquatic life.

1 (8) "Nonpoint source water pollution" means pollution that enters  
2 any waters of the state from any dispersed water-based or land-use  
3 activities, including, but not limited to, atmospheric deposition,  
4 failing on-site sewage systems, surface water runoff from agricultural  
5 lands, urban areas, and forest lands, subsurface or underground  
6 sources, and discharges from boats or other marine vessels.

7 (9) "Federal capitalization grants" means grants from the federal  
8 government provided by the water quality act of 1987 (P.L. 100-4).

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