
SENATE BILL 6087

State of Washington

63rd Legislature

2014 Regular Session

By Senators Honeyford, Hatfield, Schoesler, and Sheldon

Read first time 01/15/14. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to protecting water quality while maintaining and
2 enhancing the viability of agriculture; amending RCW 90.48.080; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington's
6 thirty-nine thousand five hundred farms and ranches generate one
7 hundred sixty thousand jobs, forty-nine billion dollars in revenue, and
8 thirteen percent of the state's economy, powering a diverse food and
9 agricultural economy that is critical to maintaining a strong state
10 economy. The legislature also finds that Washington is at risk of
11 losing its base of working agricultural lands, and that the cumulative
12 impact of nonpoint water quality regulations can impair the economic
13 viability of agricultural operations and cause open space agricultural
14 land to be converted to nonagricultural development.

15 (2) Therefore, the legislature declares that the protection of
16 normal and customary agricultural practices upon agricultural land is
17 essential to maintaining the public welfare in its highest state,
18 supporting the farm and ranch capacity to produce good local food, and
19 preserving open spaces. The legislature further declares that state

1 and federal agencies, in working to achieve nonpoint agricultural water
2 quality improvements, must also take precautions to protect the
3 economic viability of agricultural operations and minimize the
4 conversion of agricultural land to other uses.

5 (3) Therefore, the legislature intends that normal and customary
6 agricultural activities protected from over-regulation under federal
7 law be granted equivalent protection from over-regulation under state
8 law. The legislature directs government agencies tasked with
9 protecting water quality to work cooperatively with agricultural
10 landowners and conservation districts in order to fully utilize new and
11 existing voluntary incentives and promote nonpoint agricultural water
12 quality solutions to the maximum extent practicable prior to taking any
13 nonpoint water quality enforcement action.

14 **Sec. 2.** RCW 90.48.080 and 1987 c 109 s 126 are each amended to
15 read as follows:

16 (1) It shall be unlawful for any person to throw, drain, run, or
17 otherwise discharge into any of the waters of this state, or to cause,
18 permit or suffer to be thrown, run, drained, allowed to seep or
19 otherwise discharged into such waters any organic or inorganic matter
20 that shall cause or tend to cause pollution of such waters according to
21 the determination of the department, as provided for in this chapter.
22 The extent of the department's regulatory authority over nonpoint
23 agricultural activities under this chapter must be consistent with the
24 extent of the pertinent federal agency's regulatory authority under the
25 following federal statutory provisions:

26 (a) The federal clean water act, 33 U.S.C. Sec. 1251 et seq., and
27 the national pollution discharge elimination system point source permit
28 requirements of the federal clean water act, which shall have the same
29 meaning and be subject to the same exemptions and conditions as in the
30 federal act, including:

31 (i) Agricultural storm water discharges; and

32 (ii) Return flows from irrigated agriculture;

33 (b) The dredge and fill permit requirements of the federal clean
34 water act, 33 U.S.C. Sec. 1251 et seq., which shall have the same
35 meaning and be subject to the same exemptions and conditions as in the
36 federal act, including:

1 (i) Normal and customary farming and ranching activities such as
2 plowing, seeding, cultivating, minor drainage, harvesting for the
3 production of food and fiber, or upland soil and water conservation
4 practices;

5 (ii) Construction or maintenance of farm or stock ponds or
6 irrigation districts, or the maintenance of drainage ditches;

7 (iii) Construction or maintenance of farm roads where the roads are
8 constructed and maintained, in accordance with best management
9 practices, to ensure that flow and circulation patterns and chemical
10 and biological characteristics of the navigable waters are not
11 impaired, that the reach of the navigable waters is not reduced, and
12 that any adverse effect on the aquatic environment will be otherwise
13 minimized; and

14 (iv) Maintenance, including emergency reconstruction of recently
15 damaged parts, of currently serviceable structures such as dikes, dams,
16 levees, groins, riprap, breakwaters, causeways, and bridge abutments or
17 approaches, and transportation structures;

18 (c) The federal food security act of 1985, 99 Stat. 1354; P.L. 99-
19 198, which shall have the same meaning and be subject to the same
20 exemptions and conditions as in the federal act, including provisions
21 for croplands converted to agricultural use prior to December 23, 1985;
22 and

23 (d) The department's regulation of nonpoint agricultural activities
24 under this chapter must also be consistent with the following
25 legislative directives to:

26 (i) Minimize the conversion of agricultural land to nonagricultural
27 uses, as provided under RCW 90.48.450;

28 (ii) Base regulatory decisions on sound science, as provided under
29 RCW 34.05.272;

30 (iii) Ensure that regulation is based on credible water quality
31 data, as provided under RCW 90.48.570 through 90.48.590;

32 (iv) Promote regional equity by ensuring that the department's
33 regulation of nonpoint agricultural activities does not impose
34 significantly greater costs or burdens on Washington agricultural
35 operations than regulation of similar operations and activities in
36 states bordering Washington.

1 (2) For the purposes of this section, "agricultural activities" has
2 the same meaning as defined in RCW 90.58.065.

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