
SENATE BILL 6412

State of Washington

65th Legislature

2018 Regular Session

By Senator Chase

1 AN ACT Relating to regulating water pollution discharges under
2 the national pollutant discharge elimination system permit program in
3 a manner similar to that adopted by the environmental protection
4 agency and other western states; adding a new section to chapter
5 90.48 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington
8 stands as an outlier among neighboring states in its failure to apply
9 clean water act regulatory authority to water quality discharges
10 associated with small scale motorized mining, including impacts to
11 water temperature and sediment discharge. Furthermore, because the
12 federal clean water act laws allow third-party lawsuits, the state is
13 at risk of litigation that could result in the loss of state
14 discretion on how the activity should be regulated. Therefore, it is
15 the intent of the legislature to direct the department of ecology to
16 regulate water discharges from small scale motorized mining in a
17 manner similar to how discharges from this activity are regulated by
18 other western states and the environmental protection agency.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48
20 RCW to read as follows:

1 (1) The department shall issue a national pollutant discharge
2 elimination system general permit through its authority under RCW
3 90.48.260, or a general permit issued under the authority of this
4 chapter, that applies to small scale motorized mining. The department
5 may use permit provisions similar to those adopted in other western
6 states or by the environmental protection agency.

7 (2) Under the permit issued pursuant to this section, at minimum
8 the department shall restrict small scale motorized mining:

9 (a) In areas designated as critical habitat for steelhead,
10 salmon, or bull trout listed as threatened or endangered under the
11 federal endangered species act;

12 (b) During other times and places as the department deems
13 consistent with the requirements of this chapter; and

14 (c) So as not to provide coverage under the permit for use of
15 equipment with an intake nozzle with a diameter exceeding five inches
16 or that uses an engine that exceeds fifteen horsepower.

17 (3) In order to obtain coverage under a general permit issued
18 pursuant to this section, an applicant must provide the dates and
19 specific locations of activities that the applicant will commence
20 under the permit, including the locations within individual rivers,
21 streams, and tributaries.

22 (4) Nothing in this section alters or limits the requirements of
23 chapter 77.55 RCW.

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