
HOUSE BILL 2235

State of Washington

68th Legislature

2024 Regular Session

By Representatives Dye and Couture

Read first time 01/09/24. Referred to Committee on Environment & Energy.

1 AN ACT Relating to improving publicly available data on
2 Washington state's water quality to improve salmon recovery and the
3 prioritization of salmon recovery projects; amending RCW 90.48.580;
4 adding a new section to chapter 90.48 RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that
8 Washington water quality is in crisis and additional water quality
9 data is needed for the public and lawmakers to better understand and
10 manage this crisis.

11 (b) The legislature finds that the 2018 state water quality
12 assessment determined that 46 percent of streams and 19 percent of
13 marine waters are listed as polluted for at least one pollutant.

14 (c) The legislature finds that the 2018 assessment was based on
15 water quality data collected for only 15 percent of Washington
16 waters.

17 (d) Therefore, the legislature intends for the department of
18 ecology to improve the frequency, comprehensiveness, and quality of
19 data published and made available to the public about our state water
20 quality crisis.

1 (2) (a) The legislature observes that the federal clean water act
2 places responsibility on the department of ecology to categorize
3 state waters as clean or polluted.

4 (b) The legislature is concerned by a recent federal government
5 accountability office report that Washington state has repeatedly not
6 met its deadlines under the federal clean water act for biennial
7 reporting on pollution levels in our state's lakes, streams, and
8 marine waters.

9 (c) The legislature's concern is heightened because Washington
10 faces a long-term salmon recovery crisis that is related to water
11 pollution and it will be impossible to effectively address salmon
12 recovery and direct scarce funding resources to areas that will have
13 the greatest impact without reliable and publicly available
14 information about water temperature, toxicity, and pollution levels.

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

17 The department shall submit an inventory of polluted waters of
18 Washington state by December 1st of each year to the committees of
19 the legislature with jurisdiction over fisheries and water quality.
20 The purpose of the report is to describe and visually depict the
21 extent of existing pollution and relative improvement or
22 deterioration of conditions, and to provide accountability for any
23 failure of the state to meet federal clean water act reporting
24 obligations. The report must include, at a minimum, the following
25 elements:

26 (1) A clear statement concerning the department's on-time
27 compliance with the biennial reporting obligations of the clean water
28 act. The statement must apprise the legislature whether the reporting
29 obligation can be and will be fulfilled based on current staffing and
30 funding levels for data collection. If the department has reason to
31 anticipate noncompliance with federal biennial reporting obligations,
32 the department shall include in the report an assessment of the
33 funding and staffing levels and programmatic changes that would be
34 necessary to achieve not only minimum levels of federal compliance
35 but also to produce a comprehensive assessment of water quality for
36 all water bodies and water body segments that are feasible to assess;

37 (2) An accounting of the number of water bodies and water body
38 segments successfully cleaned up over the preceding year to the point
39 of removal from the list of water bodies listed as impaired under the

1 federal clean water act, and the number of newly added water bodies
2 and water body segments over the same interval. The report must
3 contain the currently known number of water bodies and water body
4 segments that are listed as impaired for one or more pollutants, an
5 identification of the number of water bodies and water body segments
6 that are impaired for each type of pollutant for which recordkeeping
7 is federally required, and the approximate percentage of total water
8 bodies and water body segments for which data were gathered;

9 (3) A comparative description of state funding and department
10 staffing levels for water quality monitoring, assessment, and
11 improvement, a description of trends in those staffing and funding
12 levels, and a reference comparison to state funding and staffing
13 levels for air quality monitoring, assessment, and improvement over
14 the same time period; and

15 (4) A description of available scientific knowledge on the
16 relationship between existing water pollution levels and types in
17 Washington waters and salmon mortality, including any known
18 quantitative assessment of the salmon population levels Washington
19 would have if its water bodies met federal and state water quality
20 levels. In each subsequent report, this description must be updated
21 to reflect any newly published peer-reviewed research that is
22 specific to Washington waters and Washington salmon.

23 **Sec. 3.** RCW 90.48.580 and 2004 c 228 s 3 are each amended to
24 read as follows:

25 (1) The department shall use credible information and literature
26 for developing and reviewing a surface water quality standard or
27 technical model used to establish a total maximum daily load for any
28 surface water of the state.

29 (2) The department shall use credible data for the following
30 actions after June 10, 2004:

31 (a) Determining whether any water of the state is to be placed on
32 or removed from any section 303(d) list;

33 (b) Establishing a total maximum daily load for any surface water
34 of the state; (~~or~~)

35 (c) Determining whether any surface water of the state is
36 supporting its designated use or other classification; and

37 (d) Designating outstanding resource waters and establishing a
38 baseline of water quality prior to proposing a water body for
39 designation as an outstanding resource water.

1 (3) The department shall respond to questions regarding the data,
2 literature, and other information it uses under this section. The
3 department shall reply to requests within five business days
4 acknowledging that the department has received the request and
5 provide a reasonable estimate of the time the department will require
6 to respond to the request.

7 (4) The department, the United States environmental protection
8 agency, and the Indian tribes in Washington state have developed a
9 voluntary agreement relating to the cooperative management of the
10 clean water act section 303(d) program. The department shall consider
11 water quality data that has been collected by Indian tribes under a
12 quality assurance project plan that has been approved by the United
13 States environmental protection agency if that data meets the
14 objectives of the plan.

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