

2 **SB 6609 - H AMD Adopted 0380 3-5-02**
3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.21A.130 and 1987 c 505 s 28 are each amended to
8 read as follows:

9 (1) In addition to any other powers granted the director, the
10 director may undertake studies dealing with all aspects of
11 environmental problems involving land, water, or air(~~(:—PROVIDED,~~
12 ~~That))~~); however, in the absence of specific legislative authority, such
13 studies shall be limited to investigations of particular problems, and
14 shall not be implemented by positive action.

15 (2)(a) Any studies conducted by the department to establish the
16 total maximum daily load of a water body under chapter 90.48 RCW must
17 involve meaningful participation and opportunities to comment by the
18 local watershed planning group established in chapter 90.82 RCW, the
19 local governments whose jurisdictions are within the affected
20 watershed, and any affected or concerned citizen who notifies the
21 department of his or her interest in participating. Technical or
22 procedural disputes or disagreements that arise during the
23 participation and comment process may be presented to the director for
24 review. The director shall conduct a review of the disputed items and
25 issue written findings and conclusions to all interested participants.

26 (b) If a study conducted on the total maximum daily load of a water
27 body may affect a new or renewed national pollution discharge
28 elimination permit under chapter 90.48 RCW, the department must
29 disclose prior to the finalization of the study the precision and
30 accuracy of data collected, computer models developed, and assumptions
31 used.

32 (c) Any party that participated in a study under this subsection
33 (2) and disagrees with the director's written findings under (a) of
34 this subsection may request an administrative hearing presided over by
35 an administrative law judge. The hearing shall be conducted in
36 accordance with chapter 34.05 RCW. If the administrative law judge

1 finds that the department's conclusions were based on erroneous
2 information or data, the administrative law judge may order that the
3 study be disregarded. The administrative law judge may also order the
4 department to reimburse the party or parties requesting the hearing for
5 any costs associated with hiring professional outside assistance that
6 was reasonably necessary to prove that party's position at the hearing.
7 These costs include attorney and consultant fees. The administrative
8 law judge's determination or order shall be final and not subject to
9 further appeal."

10 Correct the title.

EFFECT: Requires the Department of Ecology to involve local watershed planning groups, local governments, and affected and concerned citizens when conducting a total maximum daily load study for a water body, and disclose pertinent study information. Any technical or procedural disagreements that arise during the process may be submitted to the director of the Department of Ecology for review. Disagreement with the director's review may be heard by an administrative law judge, who may order that the study be disregarded and award certain costs to the affected party.

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