
HOUSE BILL 2390

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hurst, Blake, Kelley, Takko, Orcutt, Eddy,
Armstrong, Clibborn, and Morris

Read first time 01/13/12. Referred to Committee on Environment.

1 AN ACT Relating to a municipal storm water general permit; and
2 amending RCW 90.48.260.

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

4 **Sec. 1.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read
5 as follows:

6 (1) The department of ecology is hereby designated as the state
7 water pollution control agency for all purposes of the federal clean
8 water act as it exists on February 4, 1987, and is hereby authorized to
9 participate fully in the programs of the act as well as to take all
10 action necessary to secure to the state the benefits and to meet the
11 requirements of that act. With regard to the national estuary program
12 established by section 320 of that act, the department shall exercise
13 its responsibility jointly with the Puget Sound partnership, created in
14 RCW 90.71.210. The department of ecology may delegate its authority
15 under this chapter, including its national pollutant discharge
16 elimination permit system authority and duties regarding animal feeding
17 operations and concentrated animal feeding operations, to the
18 department of agriculture through a memorandum of understanding. Until
19 any such delegation receives federal approval, the department of

1 agriculture's adoption or issuance of animal feeding operation and
2 concentrated animal feeding operation rules, permits, programs, and
3 directives pertaining to water quality shall be accomplished after
4 reaching agreement with the director of the department of ecology.
5 Adoption or issuance and implementation shall be accomplished so that
6 compliance with such animal feeding operation and concentrated animal
7 feeding operation rules, permits, programs, and directives will achieve
8 compliance with all federal and state water pollution control laws.
9 The powers granted herein include, among others, and notwithstanding
10 any other provisions of this chapter ((90.48-RCW)) or otherwise, the
11 following:

12 (a) Complete authority to establish and administer a comprehensive
13 state point source waste discharge or pollution discharge elimination
14 permit program which will enable the department to qualify for full
15 participation in any national waste discharge or pollution discharge
16 elimination permit system and will allow the department to be the sole
17 agency issuing permits required by such national system operating in
18 the state of Washington subject to the provisions of RCW 90.48.262(2).
19 Program elements authorized herein may include, but are not limited to:
20 (i) Effluent treatment and limitation requirements together with timing
21 requirements related thereto; (ii) applicable receiving water quality
22 standards requirements; (iii) requirements of standards of performance
23 for new sources; (iv) pretreatment requirements; (v) termination and
24 modification of permits for cause; (vi) requirements for public notices
25 and opportunities for public hearings; (vii) appropriate relationships
26 with the secretary of the army in the administration of his
27 responsibilities which relate to anchorage and navigation, with the
28 administrator of the environmental protection agency in the performance
29 of his duties, and with other governmental officials under the federal
30 clean water act; (viii) requirements for inspection, monitoring, entry,
31 and reporting; (ix) enforcement of the program through penalties,
32 emergency powers, and criminal sanctions; (x) a continuing planning
33 process; and (xi) user charges.

34 (b) The power to establish and administer state programs in a
35 manner which will insure the procurement of moneys, whether in the form
36 of grants, loans, or otherwise; to assist in the construction,
37 operation, and maintenance of various water pollution control

1 facilities and works; and the administering of various state water
2 pollution control management, regulatory, and enforcement programs.

3 (c) The power to develop and implement appropriate programs
4 pertaining to continuing planning processes, area-wide waste treatment
5 management plans, and basin planning.

6 The governor shall have authority to perform those actions required
7 of him or her by the federal clean water act.

8 (2) By July 31, 2012, the department shall:

9 (a) Reissue without modification and for a term of (~~one year~~)
10 three years any national pollutant discharge elimination system
11 municipal storm water general permit first issued on January 17, 2007;
12 and

13 (b) Issue an updated national pollutant discharge elimination
14 system municipal storm water general permit for any permit first issued
15 on January 17, 2007. An updated permit issued under this subsection
16 shall become effective beginning August 1, 2013.

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