
SENATE BILL 6017

State of Washington

60th Legislature

2007 Regular Session

By Senators Honeyford, Schoesler and Holmquist

Read first time 02/14/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to the use of credible data to establish aquatic
2 herbicide application permit conditions for irrigation drains or
3 wasteways; and amending RCW 90.48.570, 90.48.575, 90.48.580, and
4 90.48.585.

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

6 **Sec. 1.** RCW 90.48.570 and 2004 c 228 s 1 are each amended to read
7 as follows:

8 (1) The legislature finds that:

9 (a) The proper collection and review of credible water quality data
10 is necessary to ensure compliance with the requirements of the federal
11 clean water act (33 U.S.C. Sec. 1251 et seq.);

12 (b) The state needs to assemble and evaluate all existing and
13 readily available water quality-related data and information from
14 sources other than the state water quality agency, such as federal
15 agencies, tribes, universities, and volunteer monitoring groups, if the
16 data meets the state's requirements for data quality; and

17 (c) Developing and implementing water quality protection measures
18 based on credible water quality data ensures that the financial

1 resources of state and local governments and regulated entities are
2 prioritized to address our state's most important water quality issues.

3 (2) The legislature intends to ensure that credible water quality
4 data is used as the basis for the assessment of the status of a water
5 body relative to the surface water quality standards and to establish
6 conditions on permits issued under the provisions of the federal clean
7 water act or this chapter.

8 (3) It is the intent of the legislature that a water body in which
9 pollutant loadings from naturally occurring conditions are the sole
10 cause of a violation of applicable surface water quality standards not
11 be listed as impaired.

12 **Sec. 2.** RCW 90.48.575 and 2004 c 228 s 2 are each amended to read
13 as follows:

14 The definitions in this section apply to RCW 90.48.580 and
15 90.48.585 unless the context clearly requires otherwise.

16 (1) "Credible data" means data meeting the requirements of RCW
17 90.48.585.

18 (2) "Department" means the Washington state department of ecology.

19 (3) "Impaired water" means a water body or segment for which
20 credible data exists that: (a) Satisfies the requirements of RCW
21 90.48.580 and 90.48.585; and (b) demonstrates the water body should be
22 identified pursuant to 33 U.S.C. Sec. 1313(d).

23 (4) "Irrigation drain or wasteway" means a water conveyance system
24 operated, maintained, or operated and maintained, by an irrigation
25 district, that is either constructed or uses the natural topography to
26 convey irrigation return flows to naturally occurring water bodies.

27 (5) "Naturally occurring condition" means any condition affecting
28 water quality that is not caused by human influence.

29 ~~((+5))~~ (6) "Section 303(d)" has the same meaning as in the federal
30 clean water act (33 U.S.C. Sec. 1313(d)).

31 ~~((+6))~~ (7) "Total maximum daily load" has the same meaning as in
32 the federal clean water act (33 U.S.C. Sec. 1313(d)).

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

35 (1) The department shall use credible information and literature

1 for developing and reviewing a surface water quality standard or
2 technical model used to establish a total maximum daily load for any
3 surface water of the state.

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

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

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

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

12 (d) Making revisions to water quality standards that rely on
13 aquatic life information; or

14 (e) Establishing the points of compliance or other provisions of
15 permits required under the provisions of the federal clean water act or
16 this chapter for aquatic herbicide treatment of irrigation drains or
17 wasteways.

18 (3) The department shall respond to questions regarding the data,
19 literature, and other information it uses under this section. The
20 department shall reply to requests within five business days
21 acknowledging that the department has received the request and provide
22 a reasonable estimate of the time the department will require to
23 respond to the request.

24 (4) The department, the United States environmental protection
25 agency, and the Indian tribes in Washington state have developed a
26 voluntary agreement relating to the cooperative management of the clean
27 water act section 303(d) program. The department shall consider water
28 quality data that has been collected by Indian tribes under a quality
29 assurance project plan that has been approved by the United States
30 environmental protection agency if that data meets the objectives of
31 the plan.

32 **Sec. 4.** RCW 90.48.585 and 2004 c 228 s 4 are each amended to read
33 as follows:

34 (1) In collecting and analyzing water quality data for any purpose
35 identified in RCW 90.48.580(2), data is considered credible data if:

36 (a) Appropriate quality assurance and quality control procedures

1 were followed and documented in collecting and analyzing water quality
2 samples or conducting surveys or studies documenting fish life cycles
3 and habitat suitability;

4 (b) The samples or measurements are representative of water quality
5 conditions at the time the data was collected;

6 (c) The data consists of an adequate number of samples based on the
7 objectives of the sampling, the nature of the water in question, and
8 the parameters being analyzed; and

9 (d) Sampling and laboratory analysis conform to methods and
10 protocols generally acceptable in the scientific community as
11 appropriate for use in assessing the condition of the water.

12 (2) Data interpretation, statistical, and modeling methods shall be
13 those methods generally acceptable in the scientific community as
14 appropriate for use in assessing the condition of the water.

15 (3) The department shall develop policy:

16 (a) Explaining how it uses scientific research and literature for
17 developing and reviewing any water quality standard or technical model
18 used to establish a total maximum daily load for any water of the
19 state;

20 (b) Describing the specific criteria that determine data
21 credibility; and

22 (c) Recommending the appropriate training and experience for
23 collection of credible data.

24 (4) Credible water quality data, for the purpose of this chapter,
25 includes surveys and studies done for the purpose of documenting
26 threatened or endangered anadromous fish life stages and the
27 suitability of irrigation district drains or wasteways to support
28 complete fish life cycles, when those surveys or studies are used to
29 condition permits issued under the provisions of the federal clean
30 water act or this chapter.

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