
SUBSTITUTE SENATE BILL 6607

State of Washington

60th Legislature

2008 Regular Session

By Senate Water, Energy & Telecommunications (originally sponsored by Senators Spanel, Haugen, and Rasmussen)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to shellfish protection district wastewater
2 discharge fees, rates, and charges; and amending RCW 90.72.030,
3 90.72.045, and 90.72.070.

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

5 **Sec. 1.** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read
6 as follows:

7 The legislative authority of each county having shellfish tidelands
8 within its boundaries is authorized to establish a shellfish protection
9 district to include areas in which nonpoint pollution threatens the
10 water quality upon which the continuation or restoration of shellfish
11 farming or harvesting is dependent. The legislative authority shall
12 constitute the governing body of the district and shall adopt a
13 shellfish protection program with elements and activities to be
14 effective within the district. The legislative authority may appoint
15 a local advisory council to advise the legislative authority in
16 preparation and implementation of shellfish protection programs. This
17 program shall include any elements deemed appropriate to deal with the
18 nonpoint pollution threatening water quality over shellfish tidelands,
19 including, but not limited to, requiring the elimination or decrease of

1 contaminants in storm water runoff, establishing monitoring,
2 inspection, and repair elements to ensure that on-site sewage systems
3 are adequately maintained and working properly, assuring that animal
4 grazing and manure management practices are consistent with best
5 management practices, and establishing educational and public
6 involvement programs to inform citizens on the causes of the
7 threatening nonpoint pollution and what they can do to decrease the
8 amount of such pollution. The county legislative authority shall
9 consult with the department of health, the department of ecology, the
10 department of agriculture, or the conservation commission as
11 appropriate as to the elements of the program. An element may be
12 omitted where another program is effectively addressing those sources
13 of nonpoint water pollution. Within the limits of RCW 90.72.040 and
14 90.72.070, the county legislative authority shall have full
15 jurisdiction and authority to manage, regulate, and control its
16 programs and to fix, alter, regulate, and control the fees for services
17 provided and charges or rates as provided under those programs.
18 Programs established under this chapter, may, but are not required to,
19 be part of a system of sewerage as defined in RCW 36.94.010.

20 **Sec. 2.** RCW 90.72.045 and 2007 c 150 s 2 are each amended to read
21 as follows:

22 The county legislative authority shall create a shellfish
23 protection district and establish a shellfish protection program
24 developed under RCW 90.72.030 or an equivalent program to address the
25 causes or suspected causes of pollution within one hundred eighty days
26 after the department of health, because of water quality degradation
27 due to ongoing nonpoint sources of pollution has closed or downgraded
28 the classification of a recreational or commercial shellfish growing
29 area within the boundaries of the county. The county legislative
30 authority shall initiate implementation of the shellfish protection
31 program within sixty days after it is established.

32 A copy of the program must be provided to the departments of
33 health, ecology, and agriculture. An agency that has regulatory
34 authority for any of the sources of nonpoint pollution covered by the
35 program shall cooperate with the county in its implementation. The
36 county legislative authority shall submit a written report to the
37 department of health annually that describes the status and progress of

1 the program. If rates or fees are collected under RCW 90.72.070 for
2 implementation of the shellfish protection district program, the annual
3 report shall provide sufficient detail of the expenditure of the
4 revenue collected to ensure compliance with RCW 90.72.070.

5 **Sec. 3.** RCW 90.72.070 and 1992 c 100 s 6 are each amended to read
6 as follows:

7 The county legislative authority establishing a shellfish
8 protection district may finance the protection program through (1)
9 county tax revenues, (2) reasonable inspection fees and similar fees
10 for services provided, (3) reasonable charges or rates specified in its
11 protection program, or (4) federal, state, or private grants.
12 (~~Confined animal feeding operations subject to the national pollutant~~
13 ~~discharge elimination system and implementing regulations shall not be~~
14 ~~subject to fees, rates, or charges by a shellfish protection~~
15 ~~district.)) A dairy animal feeding operation with a certified dairy
16 nutrient management plan as required in chapter 90.64 RCW shall be
17 subject to fees, rates, or charges by a shellfish protection district
18 of no more than five hundred dollars in a calendar year. Facilities
19 permitted and assessed fees for wastewater discharge under the national
20 pollutant discharge elimination system shall not be subject to fees,
21 rates, or charges for wastewater discharge by a shellfish protection
22 district. Lands classified as forest land under chapter 84.33 RCW and
23 timber land under chapter 84.34 RCW shall not be subject to fees,
24 rates, or charges by a shellfish protection district. Counties may
25 collect charges or rates in the manner determined by the county
26 legislative authority.~~

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