

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5778**

60th Legislature  
2007 Regular Session

Passed by the Senate March 8, 2007  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House April 6, 2007  
YEAS 93 NAYS 2

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5778** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5778**

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Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senators Fraser, Rockefeller, Poulsen and Kline; by request of  
Department of Health

Read first time 01/31/2007.            Referred to Committee on Natural  
Resources, Ocean & Recreation.

1            AN ACT Relating to implementation of shellfish protection programs;  
2 and amending RCW 90.72.030 and 90.72.045.

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

4            **Sec. 1.** RCW 90.72.030 and 1992 c 100 s 2 are each amended to read  
5 as follows:

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

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

18 **Sec. 2.** RCW 90.72.045 and 1992 c 100 s 4 are each amended to read  
19 as follows:

20 The county legislative authority shall create a shellfish  
21 protection district and establish a shellfish protection program  
22 developed under RCW 90.72.030 or an equivalent program to address the  
23 causes or suspected causes of pollution within one hundred eighty days  
24 after the department of health, because of water quality degradation  
25 due to ongoing nonpoint sources of pollution((~~7~~)) has(~~(, after June 11,~~  
26 ~~1992,~~)) closed or downgraded the classification of a recreational or  
27 commercial shellfish growing area within the boundaries of the county.  
28 The county legislative authority shall initiate implementation of the  
29 shellfish protection program within sixty days after it is established.

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

1 the program.

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