

CHAPTER 267

[House Bill No. 433]

WATER POLLUTION CONTROL—FEDERAL COMPLIANCE

AN ACT Relating to water pollution control; and amending section 24, chapter 13, Laws of 1967 as amended by section 4, chapter 155, Laws of 1973 and RCW 90.48.260.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 24, chapter 13, Laws of 1967 as amended by section 4, chapter 155, Laws of 1973 and RCW 90.48.260 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the Federal Water Pollution Control Act as ~~((it now exists))~~ amended and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the Federal Water Pollution Control Act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

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

of various state water pollution control management, regulatory, and enforcement programs.

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

The governor shall have authority to perform those actions required of him or her by the Federal Water Pollution Control Act.

***The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).**

*Section 1 was partially vetoed, see message at end of chapter.

Passed the House June 1, 1979.

Passed the Senate June 1, 1979.

Approved by the Governor June 25, 1979, with the exception of the last two sentences of Subsection (3) of Section 1 which are vetoed.

Filed in Office of Secretary of State June 25, 1979.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to the two last sentences in Subsection (3) Section 1 of House Bill 433 entitled:

"AN ACT Relating to water pollution control; amending section 24, Chapter 13, Laws of 1967 as amended by section 4, Chapter 155, Laws of 1973 and RCW 90.48.260."

House Bill 433 was and is for the single purpose of authorizing the department of ecology to participate in the Federal Water Pollution Control Act as "amended"; this single word, plus an added "or her" in line 23, is all that was deemed necessary to allow the state to carry out the dictates of the federal law. The addition of your two sentences:

"The enactment of this 1979 act does not extend the eligibility for or increase the amount of exemptions or credits available under chapter 82.34 RCW: PROVIDED, That this amendatory provision relating to tax exemptions or credits shall not apply to any facility eligible for a certificate as described in RCW 82.34.010 (5).",

do nothing to further this authorization and in fact involves an entirely different subject. The inclusion of these sentences may also be construed to amend a separate law by reference, clearly which is prohibited by the state's constitution.

I veto this part not because I'm not in sympathy with the legislature in what your intentions were but simply because I feel these provisions introduce separate subjects that are inconsistent with the purpose of the bill and that if allowed to become law will surely lead to much misinterpretation and possible litigation.

With the exception of the last two sentences of Subsection (3) of Section 1, which I have vetoed, the remainder of House Bill 433 is approved."

CHAPTER 268

[Second Substitute House Bill No. 527]

EMERGENCY SERVICES—SEARCH AND RESCUE ACTIVITIES