
SUBSTITUTE SENATE BILL 6027

State of Washington 62nd Legislature 2012 Regular Session

By Senate Environment (originally sponsored by Senator Honeyford)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to publicly owned industrial wastewater treatment
2 facilities; and amending RCW 70.146.070, and 90.50A.030.

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

4 **Sec. 1.** RCW 70.146.070 and 2008 c 299 s 26 are each amended to
5 read as follows:

6 (1) When making grants or loans for water pollution control
7 facilities, the department shall consider the following:

8 (a) The protection of water quality and public health;

9 (b) The cost to residential ratepayers if they had to finance water
10 pollution control facilities without state assistance;

11 (c) Actions required under federal and state permits and compliance
12 orders;

13 (d) The level of local fiscal effort by residential ratepayers
14 since 1972 in financing water pollution control facilities;

15 (e) Except as otherwise conditioned by RCW 70.146.110, whether the
16 entity receiving assistance is a Puget Sound partner, as defined in RCW
17 90.71.010;

18 (f) Whether the project is referenced in the action agenda
19 developed by the Puget Sound partnership under RCW 90.71.310;

1 (g) Except as otherwise provided in RCW 70.146.120, and effective
2 one calendar year following the development and statewide availability
3 of model evergreen community management plans and ordinances under RCW
4 35.105.050, whether the project is sponsored by an entity that has been
5 recognized, and what gradation of recognition was received, in the
6 evergreen community recognition program created in RCW 35.105.030;

7 (h) The extent to which the applicant county or city, or if the
8 applicant is another public body, the extent to which the county or
9 city in which the applicant public body is located, has established
10 programs to mitigate nonpoint pollution of the surface or subterranean
11 water sought to be protected by the water pollution control facility
12 named in the application for state assistance; and

13 (i) The recommendations of the Puget Sound partnership, created in
14 RCW 90.71.210, and any other board, council, commission, or group
15 established by the legislature or a state agency to study water
16 pollution control issues in the state.

17 (2) Except where necessary to address a public health need or
18 substantial environmental degradation, a county, city, or town planning
19 under RCW 36.70A.040 may not receive a grant or loan for water
20 pollution control facilities unless it has adopted a comprehensive
21 plan, including a capital facilities plan element, and development
22 regulations as required by RCW 36.70A.040. This subsection does not
23 require any county, city, or town planning under RCW 36.70A.040 to
24 adopt a comprehensive plan or development regulations before requesting
25 or receiving a grant or loan under this chapter if such request is made
26 before the expiration of the time periods specified in RCW 36.70A.040.
27 A county, city, or town planning under RCW 36.70A.040 which has not
28 adopted a comprehensive plan and development regulations within the
29 time periods specified in RCW 36.70A.040 is not prohibited from
30 receiving a grant or loan under this chapter if the comprehensive plan
31 and development regulations are adopted as required by RCW 36.70A.040
32 before submitting a request for a grant or loan.

33 (3) Whenever the department is considering awarding grants or loans
34 for public facilities to special districts requesting funding for a
35 proposed facility located in a county, city, or town planning under RCW
36 36.70A.040, it shall consider whether the county, city, or town
37 planning under RCW 36.70A.040 in whose planning jurisdiction the

1 proposed facility is located has adopted a comprehensive plan and
2 development regulations as required by RCW 36.70A.040.

3 (4) When making loans for water pollution control facilities, the
4 department may provide loans to publicly owned industrial wastewater
5 treatment facilities that relieve a city of the burden of processing
6 industrial wastewater.

7 (5) After January 1, 2010, any project designed to address the
8 effects of water pollution on Puget Sound may be funded under this
9 chapter only if the project is not in conflict with the action agenda
10 developed by the Puget Sound partnership under RCW 90.71.310.

11 **Sec. 2.** RCW 90.50A.030 and 2007 c 341 s 38 are each amended to
12 read as follows:

13 The department shall use the moneys in the water pollution control
14 revolving fund to provide financial assistance as provided in the water
15 quality act of 1987 and as provided in RCW 90.50A.040:

16 (1) To make loans, on the condition that:

17 (a) Such loans are made at or below market interest rates,
18 including interest free loans, at terms not to exceed twenty years;

19 (b) Annual principal and interest payments will commence not later
20 than one year after completion of any project and all loans will be
21 fully amortized not later then twenty years after project completion;

22 (c) The recipient of a loan will establish a dedicated source of
23 revenue for repayment of loans; and

24 (d) The fund will be credited with all payments of principal and
25 interest on all loans.

26 (2) Loans may be made for the following purposes:

27 (a) To public bodies for the construction or replacement of water
28 pollution control facilities as defined in section 212 of the federal
29 water quality act of 1987;

30 (b) For the implementation of a management program established
31 under section 319 of the federal water quality act of 1987 relating to
32 the management of nonpoint sources of pollution, subject to the
33 requirements of that act; ~~((and))~~

34 (c) For development and implementation of a conservation and
35 management plan under section 320 of the federal water quality act of
36 1987 relating to the national estuary program, subject to the
37 requirements of that act; and

1 (d) For the planning, design, and construction of publicly owned
2 wastewater treatment facilities, including publicly owned industrial
3 wastewater treatment facilities that relieve a city of the burden of
4 processing industrial wastewater.

5 (3) The department may also use the moneys in the fund for the
6 following purposes:

7 (a) To buy or refinance the water pollution control facilities'
8 debt obligations of public bodies at or below market rates, if such
9 debt was incurred after March 7, 1985;

10 (b) To guarantee, or purchase insurance for, public body
11 obligations for water pollution control facility construction or
12 replacement or activities if the guarantee or insurance would improve
13 credit market access or reduce interest rates, or to provide loans to
14 a public body for this purpose;

15 (c) As a source of revenue or security for the payment of principal
16 and interest on revenue or general obligation bonds issued by the state
17 if the proceeds of the sale of such bonds will be deposited in the
18 fund;

19 (d) To earn interest on fund accounts; and

20 (e) To pay the expenses of the department in administering the
21 water pollution control revolving fund according to administrative
22 reserves authorized by federal and state law.

23 (4) The department shall present a biennial progress report on the
24 use of moneys from the account to the appropriate committees of the
25 legislature. The report shall consist of a list of each recipient,
26 project description, and amount of the grant, loan, or both.

27 (5) The department may not use the moneys in the water pollution
28 control revolving fund for grants.

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