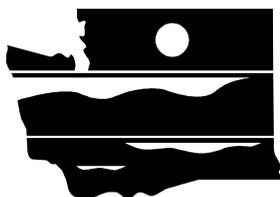


Department of Ecology Budget and Program Overview 2001-03



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Department of Ecology
300 Desmond Drive SE
Lacey, Washington
(360) 407-6000



*printed on recycled paper
publication # 01-01-005
December 2001*

Department of Ecology Budget and Program Overview 2001-03

Department of Ecology
300 Desmond Drive SE
Lacey, Washington
(360) 407-6000

The Department of Ecology is an equal opportunity agency and does not discriminate on the basis of race, creed, color, disability, age, religion, national origin, sex, marital status, disabled veteran's status, Vietnam Era veteran's status or sexual orientation.

If you have special accommodation needs or require this document in alternative format, please contact *Teresa Reno* at (360) 407-7007 (voice) or (360) 407-6006 (TDD).

This document is available on Ecology's web site at: <http://www.ecy.wa.gov>

Table of Contents

Department of Ecology	page 1
Air Quality Program	page 3
Environmental Assessment Program.....	page 9
Hazardous Waste and Toxics Reduction Program	page 13
Nuclear Waste Program	page 19
Shorelands and Environmental Assistance Program	page 23
Solid Waste and Financial Assistance Program.....	page 29
Spill Prevention, Preparedness, and Response Program	page 35
Toxics Cleanup Program	page 41
Water Quality Program	page 45
Water Resources Program	page 51
Agency Administration	page 57
Agency Information.....	page 60

AIR

EAP

HWTR

NWP

SEA

SWFA

SPILLS

TCP

WQ

WR

ADMIN

AGENCY

Department of Ecology Mission

This Mission of the Department of Ecology is to protect, preserve, and enhance Washington's environment, and promote the wise management of our air, land, and water for the benefit of current and future generations.

Goals

- Prevent Pollution
- Clean up Pollution
- Support Sustainable Communities and Natural Resources

Values

- Environmental Stewardship
- Environmental Justice
- Environmental Education
- Community Spirit
- Professional Conduct and Expertise
- Accountability
- Our Employees





Welcome to the third edition of this “overview” publication, which examines the responsibilities, activities, and funding sources of the Department of Ecology, along with the current biennium’s budget appropriations to support these functions.

The challenge for anyone working in government is to translate the complicated language of budget and law into meaningful activities that achieve our goals. At the Department of Ecology, this means protecting both humans and the environment from pollution, restoring, and preserving important ecosystems that sustain life, and finding ways to meet human needs without destroying environmental resources and functions.

We seek to accomplish these goals in myriad ways. Cleaning up and preventing pollution continues to consume a lot of our energy. We can point to many examples of cleaner air, water, and soil throughout Washington due to cleanup projects, reduced emissions and discharges, and effective enforcement efforts. Clearly, there is still much more to be done, and our past success gives us hope for continued progress.

Historically, we have focused primarily on businesses and industries, since they used to be the source of most pollution in the state. But as we have reduced those sources, and as Washington’s population approaches 6 million people, the general public has emerged as the largest source of many types of pollution. Those sources include wood stoves and fireplaces, excessive chemicals on lawns and gardens, dumping of household products that contain hazardous substances, oil and gas spills from recreational boaters, and millions of cars being driven each day. These activities are harder to address through regulatory programs; instead, the

key is education and, in some cases, incentives. Unfortunately, funding for these kinds of tools has decreased over the past decade – a situation that must change in order to be successful.

Another significant challenge involves water supplies – keeping up with the water demands of our farms and our growing population. In some parts of the state, streams are being sucked dry, leaving little or nothing for fish and other aquatic life. Quite simply, we have to better share our water. That means we have to waste less of it, re-use more of it, and find ways to store water for future use without further damaging fragile ecosystems. All of these will require additional changes in state laws, new regulations to implement those laws, and as always, sufficient funding by state and other levels of government.

Watershed-based planning continues to be the key to resolving our many water conflicts. Its strengths lie in involving local residents in decisions about how to preserve important ecosystems in their communities. The Department of Ecology fully supports local watershed planning. We helped bring it about, and we will continue to provide technical assistance and advice to these efforts.

The following pages describes each of Ecology’s programs, including the state laws they are responsible to implement, the amount of money appropriated to them in this biennium, and what they are doing to satisfy the agency’s often-stated desire for a healthy environment. I hope this information is enlightening and inspiring.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Fitzsimmons". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Fitzsimmons

Program Mission

Protect, preserve, and enhance the air quality of Washington to safeguard public health and the environment and support high quality of life for current and future generations.

Environmental Threats

Air quality concerns come in three forms: public health, environment, and quality of life.

Air pollution causes lung disease and worsens existing respiratory and cardiopulmonary disease. Hundreds of studies have found that short and long term exposures to air pollution increase respiratory symptoms, emergency room visits, hospitalizations and medication use; decrease lung function; cause absences from school and work; and restrict activity for some people.

Air pollution increases chronic respiratory illness; increases the overall death rate; increases the likelihood of contracting cancer; and decreases lung function in children, pre-disposing them to chronic, obstructive pulmonary disease as adults. Air pollution also affects the environment and quality of life in other ways, including; damage to soils, water, crops, vegetation, manmade materials, property, animals, and wildlife; impaired visibility; climate and weather; and transportation hazards. When air pollution creates noxious odors or irritating fumes, it can harm the economic value of homes and other types of real estate, as well as personal comfort and well being.

Since the Washington State Legislature expanded statewide air quality efforts in 1991, overall air quality in Washington has greatly improved. Washington citizens save more than \$2 billion per year in health costs and through economic benefits related to cleaner air. But even with current efforts, 1,400 people die each year from exposure to fine particle pollution in Washington, according to the Natural Resources Defense Council. Fourteen areas of Washington have been designated as violating national ambient, health based air quality standards for six chemicals

known as “criteria” pollutants. More than 3 million people live within these areas. Additionally, special monitoring studies show the potential for violations in several new areas, such as Colville and parts of the Columbia plateau. Although air quality has improved significantly in the state’s major urban areas and most are currently meeting healthy air standards; most areas still remain close to violating one or more federal air quality standards.

In addition to the six criteria pollutants, hundreds of other chemicals, known as toxic or hazardous air pollutants, enter the atmosphere from a wide variety of sources. These chemicals are not subject to national ambient, health-based standards. Because of limited air quality and health risk data for Washington State, the level of public health and environmental damage caused by toxic air pollutants is more uncertain than health risks associated with the criteria pollutants.

Authorizing Laws

- *Chapter 70.94 RCW, Clean Air Act*
- *Chapter 70.120 RCW, Motor Vehicle Emission Control*

Constituents/Interested Parties

- *Motorists, transportation agencies, and motor vehicle related businesses*
- *Industry*
- *Wood stove and fireplace users, manufacturers, and related businesses such as dealers*
- *Agriculture*
- *Citizens*

Major Activities

The Air Quality Program recently completed a strategic planning effort that established six air quality goals, as described below.

Prevent Violations of Air Quality Standards

Washington faces continuing growth that threatens to overwhelm the agency's current strategies to maintain air quality standards. Because of a limited monitoring network, we are unable to determine the quality of air in some areas of the state. The agency's goal is to reduce ambient air pollutant concentrations to levels that provide less than a 1 percent chance of triggering violations of health based National Ambient Air Quality Standards (NAAQS) by 2010. Major milestones in achieving this goal include:

- Achieve redesignation of all remaining nonattainment areas (areas that violate federal standards) by June 2003.
- In 2002, complete a statewide assessment and prioritization of areas for their likelihood of violating standards.
- By June 2003, develop a Nonattainment Early Warning System (NEWS) a method for assessing county-by-county likelihood of violating federal health based air quality standards.
- Design and implement strategies to address fine particle problems in Colville, Walla Walla, and Wallula.

Reduce Motor Vehicle Emissions

More people, more growth, and more sprawl mean more traffic and more pollution from motor vehicles. Without significant emission reductions in addition to those being provided by existing programs, the agency cannot reasonably assure future attainment of federal air quality standards, avoid the imposition of multi-million dollar control costs to businesses and citizens, nor prevent more harmful health effects on citizens from increased air pollution. The agency's goal is to reduce emissions from mobile sources by 35 percent by 2010. Major milestones in achieving this goal include:

- Award new Emission Check contract by August 2001.
- Implement improvements to the Emission Check Program by July 2002.
- Partner with other state and local air quality agencies and the private sector to promote diesel retrofitting of public and private fleets, and the use of lower volatility gasoline and

ultra low sulfur diesel fuel in the Pacific Northwest.

- In cooperation with the Governor's Office, promote the purchase of hybrid and other low emission vehicles through state purchasing decisions and contracts.

Improve Visibility

Visibility is reduced even when air pollution is well below levels allowed by the federal health based standards. Clear views within our national parks and wilderness areas, as well as views from outside these areas, are important to our economy and our quality of life. To enhance and preserve this cherished natural resource, we need to develop and implement strategies that will significantly reduce visibility-impairing emissions. The agency's goal is to develop and implement control strategies to reduce human caused visibility-impairing emissions by 25 percent by 2010 and by 50 percent by 2020.

Major milestones in achieving this goal include:

- Develop and begin testing methods for identifying sources and their contributions to visibility impairment by July 2002.
- Track trends in visibility-impairing pollutants using data from monitoring sites with more than three years of data.
- Provide staffing and funding to support multi-agency consensus processes for a visibility strategy in the Columbia River Gorge National Scenic Area.

Reduce Risk from Toxic Air Pollutants

Although the federal government is beginning to address many toxic air pollutants, it may or may not address those toxics most significant in Washington State in a timeframe that provides satisfactory protection for Washington citizens. The agency's goal is to reduce emissions of priority toxic air pollutants by 50 percent by 2010, and significantly reduce potential risk to the public of cancer and other serious health effects caused by airborne toxics. Major milestones in achieving this goal include:

- Develop a toxic ranking method to identify the dozen or so priority chemicals with the highest potential health risk for citizens of Washington State by the end of 2001. Because many of these chemicals are also on

the Persistent, Bioaccumulative Toxins (PBT) list this ranking method will assist other agency efforts with ongoing PBT initiatives.

- Determine sources of priority toxics by July 2002.
- Determine strategies to reduce emissions of priority toxics by 2002.

Improve Public Understanding of the Risks and Costs of Air Pollution

Citizens, regulators, and elected officials need to be well informed about the effects of air pollution and pollution reduction strategies in order to take appropriate action to minimize those effects. The agency's goal is to provide easily accessible and understandable information about the risks and costs of air pollution and air pollution reduction strategies to citizens and elected officials. Major milestones in achieving this goal include:

- Complete an analysis of a statewide public survey on air quality issues by the end of 2001.
- Design and begin implementing a community based marketing and outreach strategy by June 2002.

Reduce Smoke and Dust in Eastern Washington

Nagging regional smoke and dust pollution plagues many areas in Central and Eastern Washington. Source specific air pollution problems often are not resolved quickly and efficiently. Efforts at preventing problems are frequently hit-or-miss. The agency's goal is to achieve air quality levels in Eastern and Central Washington by 2010 that experts agree are sufficient to protect human health. Major milestones in achieving this goal include:

- Implement a Web-enabled agricultural burning permit by spring 2002.
- Complete audits of local burning permit programs by spring 2002.
- Establish a land clearing burning permit program by September 2002.
- Reduce emissions from cereal grain stubble burning by 40 percent by the end of the biennium, using a 1998 baseline.

Major Issues

Growth Threatens Air Quality Gains

Air pollution levels in Washington are within 1 percent of violating federal standards for smog (ozone), 3 percent for carbon monoxide, and 7 percent for fine particles. Population growth, more cars, and economic expansion will continue to push emissions of air pollutants higher. It will take vigilance and the combined efforts of citizens, business, and government to sustain our air quality gains.

Visibility and Regional Haze

Citizens complain when their views of Mt. Rainier, the Olympics, or the Columbia Gorge are obstructed by air pollution. Regional haze and visibility degradation also affects tourism, restrain economic growth, and diminishes the quality of life for Washington residents. Federal law requires the state to eliminate human caused visibility impairment in our national parks and wilderness areas by 2064. Businesses, governments, and citizens who have already controlled emissions to protect public health may have to further reduce emissions if they are found to contribute to the degradation of scenic views.

Redesignation of the Wallula Fine Particulate Matter Nonattainment Area

The designation "nonattainment" is used to identify areas that do not meet federal health standards for ambient air quality. The Clean Air Act then requires a state to develop and implement a plan to clean up the air. Wallula presents unique challenges for the agency, because the area is sparsely populated, and the main cause of pollution is considered to be windblown dust. Businesses and elected officials in the Wallula area are concerned that expensive and unnecessary controls may be imposed that will have little or no effect on solving the air quality problem.

Toxic Air Pollutants

Air quality regulators have traditionally split air pollutants into two categories: criteria pollutants (six compounds for which federal ambient standards have been set) and toxic pollutants.

Hundreds of toxic chemicals (totaling millions of pounds) are released into the air each year in Washington. No ambient standards and few emission limits have been established for these chemicals. We have limited understanding of the sources and quantity of emissions, ambient concentrations, and potential effects on human health and the environment of toxics in Washington's air.

To develop a rational strategy for addressing these pollutants, the agency is now working on a comprehensive evaluation of what is known about air toxics in Washington. We are researching strategies that can be combined with pollution prevention efforts and other voluntary and cost-effective toxic reduction efforts. These strategies will complement EPA's efforts to reduce toxics from some of the large existing sources currently operating in Washington.

Outdoor Burning

Burning of unwanted trash and natural debris is a frequent occurrence in many areas of Washington. Our clean air law governs where and what burning is allowable. The regulations implementing the law call for changes in burning programs and prohibitions. This trend for tighter restrictions on burning produces conflict in situations where the pressure or desire to burn is strong. In fact, the pressure to burn is increasing on many fronts. The demand for burning to remove agricultural and horticultural debris (straw, prunings, trunks, and stumps) fluctuates along with changes in agriculture. Intentional burning in the forests is likely to increase as a part of restoring the health of forests. Pressure to reduce burning is also increasing. People don't like to be "smoked-out," and are demanding clean air. Fire safety professionals have increasing concerns about burning and fires getting out of control. We predict that the pattern of frequent changes in burning programs will continue as state and local agencies struggle to find the balance between clean air, reasonable alternatives to burning, and necessary burning.

Motor Vehicle Emission Check Program

Emission inspections are required of all gasoline and diesel cars and trucks, five to 25 years old, in

the Seattle, Tacoma, Spokane, and Vancouver areas. Because the motor vehicle Emission Check Program affects nearly a million vehicle owners each year, the agency needs to ensure that the program meets both air quality and public service needs. This will be a major challenge as a new contractor takes over the program in 2002, resulting in upgraded inspection procedures and new inspection locations.

There is less than one year in which to make the transition to the new contractor. During this time, the current and new contractors will be competing for some of the same resources, such as staff and equipment. In addition to the transition, customer service continues to be a major issue. The Legislature did not increase the emission check fee during the 2001 session. The lack of a fee increase left potential test contractors unable to meet both air quality and customer service needs when the current contract expires in 2002. During recent contract negotiations, the agency gave priority to public health protection, which may result in less convenient service for the public.

Air Quality Problems Have Not Been Solved

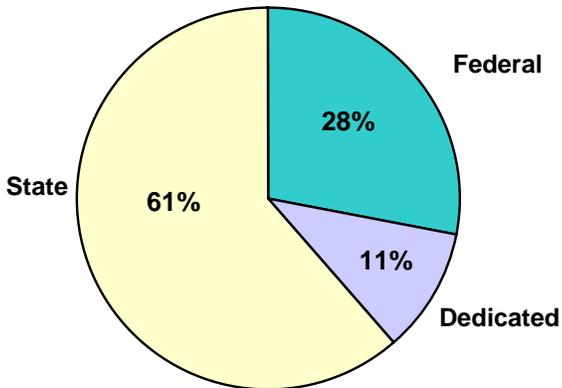
The success of the agency and its business, government, and citizen partners in cleaning up Washington's air, coupled with limited media attention to air pollution issues, has created a public perception that either the problems are solved or no problems exist. The lack of public understanding about the status of and trends in air quality could slow progress toward solving Washington's remaining air quality problems and in finding the will to prevent future ones. For this reason, the Air Quality Program will be making a concerted effort over the next two years to make air quality information more readily accessible to citizens and elected officials.

Air Quality Program Budget

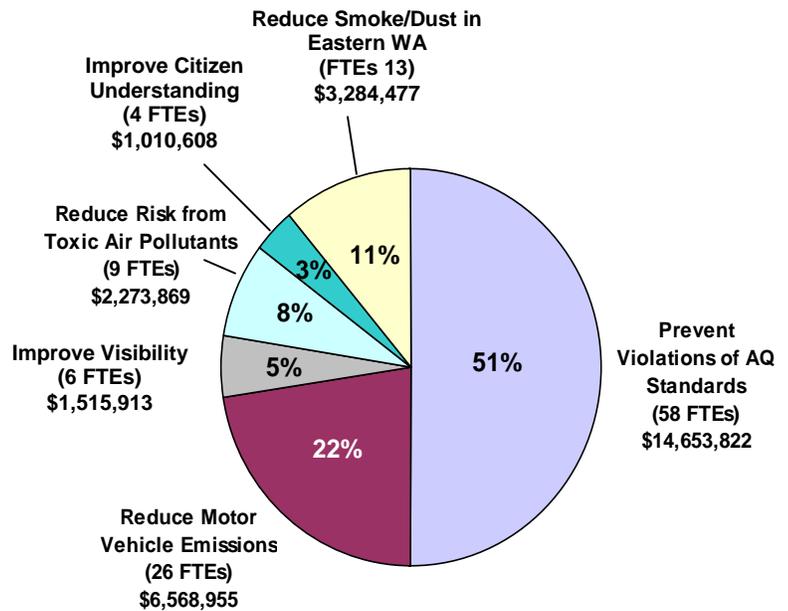
Budget: \$29,307,644; Staffing: 116 FTEs

State	(\$) Amount	Sources	Uses
General Fund - State	17,972,053	Multiple; vehicle emissions inspections fee	Ambient air monitoring, grants to local air authorities, new source permits, modeling and meteorology, emission inventory, vehicle emission testing.
Federal			
General Fund - Federal	8,187,086	Federal grants	State and local air authority grants for ambient air monitoring, emission inventory, modeling, meteorology, and other air quality activities. Includes special project grants.
Dedicated Funds			
Air Operating Permit	1,818,208	Permit fees collected for air contaminant sources	Issuing permits to major air pollution sources, small business technical assistance.
Air Pollution Control	907,101	Air registration fees; burning permit fees	Registration program, agricultural burning permitting, burning alternatives research.
Woodstove Education & Enforcement	333,196	Fees on the retail sale of woodstoves and fireplaces	Enforcement and education on proper woodstove use, grants to local air authorities.
Environmental Excellence	76,000	Tacoma Public Utilities	Review, proposal, and final documents associated with the Environmental Excellence project.
Grass Seed Burning Research	14,000	Fees on open burning of grasses grown for seed	Research on alternatives to grass seed burning.

Air Quality Dollars by Fund Source



Air Quality Dollars by Activity



Program Mission

To provide objective, reliable information about environmental conditions that can be used to measure the effectiveness of the program, inform the public, and help focus the use of limited resources. The program is responsible for monitoring and reporting environmental status, trends, and results to ensure that agency staff, citizens, governments, tribes, and businesses have access to high quality environmental information.

Environmental Threats

Environmental threats include both point and nonpoint sources and range from conventional pollutants, such as fecal coliform bacteria, nutrients, and temperature, to toxic contaminants and invasive aquatic weeds. Most of the Environmental Assessment Program monitoring and investigation efforts focus on threats to water or sediment quality, while many of its directed studies are conducted in support of clients in other agency programs.

The focus of these activities is on objectively assessing existing environmental conditions. The Environmental Assessment Program frequently identifies threats or evaluates cumulative or combined effects stemming from the entire spectrum of environmental threats. Consequently, the program provides relevant and useful information to the agency and other resource management agencies.



Authorizing Laws

- *Federal Clean Water Act*
- *Chapter 90.48 RCW, Water Pollution Control*
- *Chapter 90.70 RCW, Puget Sound Ambient Monitoring Program*
- *Chapter 70.105D RCW, Model Toxics Control Act*
- *Chapter 43.21A RCW, Department of Ecology*

Constituents/Interested Parties

- *Federal and Local Governments*
- *State Agencies*
- *Tribes*
- *Businesses*
- *Environmental Organizations*
- *General Public*
- *Internal Clients*

Major Activities

Quality Assurance and Scientific Assistance

The reliability and integrity of environmental data collected and used by the agency is crucial to the mission of the agency. To help ensure the quality of data, the agency's Quality Assurance Officer and staff: provide guidance and training on developing Quality Assurance Project Plans, review project proposals, and consult on sampling design requirements and interpretation of results.

The Environmental Assessment Program's staff of scientists, modelers, statisticians, chemists, and other environmental specialists frequently assist



other agency personnel by interpreting technical data and supplying information for crucial policy questions. Examples of this scientific assistance include scientific review of agency and grantee reports, as well as technical and engineering analyses to help ensure that water quality permits are based on technically sound evaluations.

Environmental Monitoring

The agency has established a statewide environmental monitoring network to assess the current status of state waters, identify threatened or impaired waters, and evaluate changes (trends) in water quality over time. This network includes sampling stations in rivers, streams, and marine waters (Puget Sound and coastal estuaries). By detecting early changes in water or sediment quality, environmental monitoring allows simpler, less expensive solutions to be applied to emerging problems.

Directed Environmental Studies

The agency conducts studies designed to address known or suspected problems at individual sites or across regional areas. These directed studies span the range from conventional water quality analyses to sampling for toxic chemicals such as dioxins in fish tissues, pesticides in groundwater, or metals in marine sediments. Study results are published in scientific reports used for regulatory decision making, defining policy, and providing a basis for protecting and enhancing environmental health.

Water cleanup studies are a significant example of directed environmental studies. These assessments quantify loading into rivers, lakes, and/or marine waters from cities, industries, farms, and forests. A primary product of these assessments is a calculation of the “total maximum daily load” (TMDL) of a pollutant the waterbody can absorb without causing violations of water quality standards. In keeping with a lawsuit settlement agreement, the agency has agreed to a 12 year schedule to complete water cleanup plans (TMDLs) on more than 1,200 impaired waters statewide.

Laboratory Services

The Manchester Environmental Laboratory (MEL) is a full service environmental chemistry laboratory operated jointly by the U.S. Environmental Protection Agency Region 10 and the Department of Ecology. The laboratory provides technical, analytical, and sampling support for chemistry and microbiology for the agency. MEL is committed to providing the highest quality environmental information to agency resource managers. As part of this commitment, MEL staff provide consultation and training to agency staff on issues related to sampling and laboratory analyses.

Laboratory Accreditation

The agency maintains an environmental laboratory accreditation program that accredits laboratories for water quality analyses and determinations (including sediments and sludges). In September 2002, the agency will begin to accredit drinking water laboratories under a memorandum of understanding with the Department of Health. Accreditation helps assure that environmental laboratories have the demonstrated capability to provide accurate and scientifically sound data.

Major Issues

Coordination of Environmental Monitoring Activities

As noted under “Major Activities,” environmental monitoring is an important effort of the agency. In recent years, new requirements for watershed planning and salmon recovery have increased the demand for reliable water quality and streamflow data throughout the state.

The agency is one of only several entities conducting environmental monitoring in Washington. Many local governments, tribes, businesses, and environmental organizations also

conduct water quality monitoring programs. In view of the importance of these efforts, the Legislature passed two bills: SSB 5637 (Watershed Health Monitoring and Assessment) and ESHB 1785 (Capital Budget Programs Investing in the Environment) that emphasize the use of monitoring to evaluate watershed health and call for greater coordination among the various agencies and organizations conducting monitoring in the state. The program is actively involved in these efforts to improve the reliability and representativeness of statewide water quality assessments.

Streamflow Monitoring

Streamflow data are lacking in many critical basins and sub-basins throughout Washington. It is important to have accurate and timely information on how much water is flowing in rivers and streams if water is to be effectively managed for instream uses (e.g. fish) and for flood management and protection. The 2001 Legislature provided funding to the agency to install stream-gauging stations in five basins. These stations will deliver continuous and instantaneous flow data for use by water managers. The agency is planning to post near real-time hydrographs from each of the basins on the agency Web site.

Persistent, Bioaccumulative Toxins

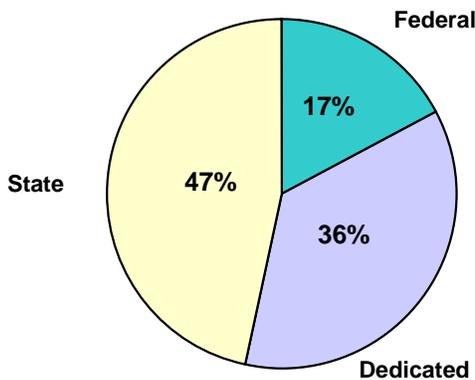
The agency has developed and the Legislature has funded the implementation of a long term strategy designed to reduce persistent, bioaccumulative toxins (PBTs) in Washington’s environment over the coming years. PBTs are a particular group of chemicals that can significantly affect the health of humans, fish, and wildlife. This strategy will coordinate agency-wide efforts, engage other key organizations and interest groups, and provide for public education and information on reducing PBTs in the environment.

Environmental Assessment Program Budget

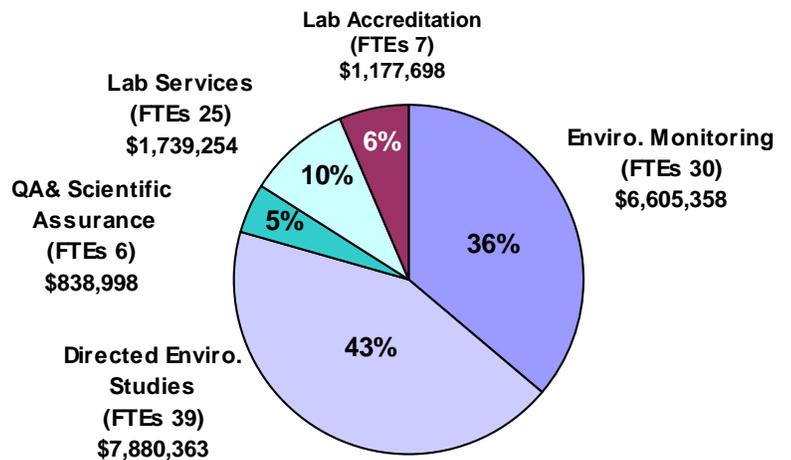
Budget: \$18,241,671; Staffing: 107 FTEs

State	(\$ Amount)	Sources	Uses
General Fund - State	8,490,871	Multiple	Water quality monitoring, marine sediment monitoring, streamflow monitoring and technical assistance, monitoring of nonpoint source controls, water cleanup studies, quality assurance, laboratory accreditation
Federal			
General Fund - Federal	3,128,946	Federal grants	Water quality monitoring, marine sediment monitoring, watershed cleanup studies
Dedicated Funds			
General Fund - Private/Local	126,464	Agreements with counties, cities	Water quality studies, laboratory analytical work
State Drought Preparedness Account	564,000	Transfer from Emergency Water Fund	Stream gaging equipment
Water Quality Account	49,000	Excise taxes on cigarettes and other tobacco products; sales tax transfer; loan repayments, interest payments; and state general fund transfer	Stream-gauging equipment
State Toxics Control	2,353,648	Hazardous substance tax; remedial actions and penalties recovered	Groundwater investigations, water cleanup studies, toxics monitoring, PBT strategy implementation
Local Toxics Control	18,860	Hazardous substance tax	Laboratory staffing and analytical work
Water Quality Permit	3,329,587	Fees on wastewater discharge permits	Groundwater investigations, water cleanup studies, watershed studies, compliance monitoring
Freshwater Aquatic Weeds	180,295	Fees on boat trailers	Technical assistance, monitoring

EAP Dollars by Fund Source



EAP Dollars by Activity



Hazardous Waste and Toxics Reduction Program

Contact: Greg Sorlie, Program Manager, (360) 407-6702

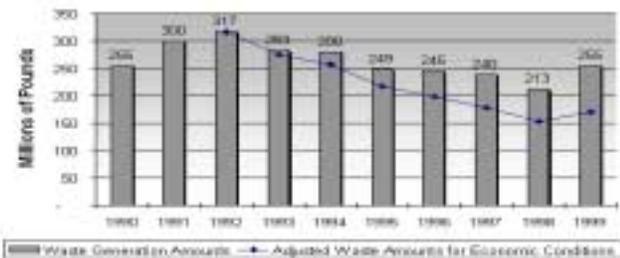
Program Mission

To foster sustainability, prevent pollution, and promote safe waste management.

Environmental Threats

There are inherent risks in the use of hazardous chemicals. When chemicals become hazardous waste, they are, by definition, harmful to the environment and/or human health. Many of these wastes are persistent in the environment, remaining toxic for a very long time, and some can build up (bio-accumulate) in the food chain. Currently, about 7,000 hazardous waste generators produce more than 255 million pounds of hazardous waste annually in Washington (1999 data).

The agency's Hazardous Waste and Toxics Reduction Program (HWTR) addresses two primary environmental threats: the long term inherent risks of using hazardous chemicals, and improper hazardous waste handling and disposal. Reducing the use of toxic chemicals is, therefore, our top priority, with a second major focus being to ensure that hazardous waste generated is managed safely.



Authorizing Laws

- *Chapter 70.105 RCW (1976), Washington's Hazardous Waste Management Act*
- *Federal Resource Conservation and Recovery Act (1980)*
- *Dangerous Waste Regulations WAC 173-303 (2000)*
- *Chapter 70.95 RCW, Hazardous Waste Reduction Act*

- *Pollution Prevention Plans WAC 173-307 (1991)*
- *Hazardous Waste Fees WAC 173-305 (1992)*
- *RCW Chapter 70.105D RCW (1989), State Hazardous Waste Cleanup (MTCA)*
- *Chapter 70.102.020 RCW, Hazardous Substance Information Act*
- *Chapter 15.54 RCW, Fertilizer Regulation Act. Clarifies the Department of Ecology's oversight authority over waste-derived fertilizers.*

Constituents and Stakeholders

- *General Public*
- *Local Governments and Other Agencies*
- *Business Groups and Associations*
- *State Agencies: Department of Agriculture; Department of Health; Washington State University*
- *Regulated Businesses and Agencies*
- *Tribes*
- *Environmental Groups*
- *Environmental Protection Agency (EPA)*

Major Activities

Reduce Hazardous Waste through Technical Assistance

Reduced use of hazardous chemicals in the manufacture and composition of products and reduced generation of hazardous wastes in manufacturing is generically called "pollution prevention." Pollution prevention, rather than just pollution control, is now recognized as a better and more efficient way to keep hazardous substances out of the environment. Avoiding waste generation, rather than treating it afterward, is one of the top priorities of the Hazardous Waste and Toxics Reduction Program. HWTR has developed innovative programs that feature planning for source reduction and waste generation reduction, supported by technical assistance field visits, and follow-up work.

The state Hazardous Waste Reduction Act (1990) encourages reducing the use and creation of hazardous substances/waste, and it requires certain businesses to prepare plans for voluntarily reducing the use and creation of these substances/wastes. Skilled HWTR staff promotes increased use of pollution prevention techniques through technical assistance to businesses, with an emphasis on providing personal (face-to-face) facility visits.

Increase Safe Waste Management through Technical Assistance

While formal compliance enforcement work is essential to protecting the environment, compliance related technical assistance visits and providing information can also bring facilities into regulatory compliance, protect the environment, and use substantially fewer resources for a given level of environmental benefit. HWTR provides guidance to businesses on how to manage their dangerous waste safely and in compliance with appropriate regulations.

Increase Compliance Assurance

HWTR annually conducts formal compliance enforcement inspections at large and medium quantity generators and at hazardous waste management facilities to ensure compliance with state and federal regulations. This is part of our Performance Partnership Agreement with the Environmental Protection Agency (EPA), which provides annual federal grant assistance.

HWTR also undertakes a certain number of formal inspections at facilities that may have compliance problems, targeting facilities whose activities have the potential to cause serious environmental problems. These inspections are in response to citizen complaints, past compliance records, and the results of sector analyses. HWTR also coordinates closely with local authorities to increase efficiency and bring more resources to bear on resolving environmental health threats. HWTR is currently working with King County to more formally coordinate investigation and resolution of environmental complaints having joint or overlapping jurisdiction.

A credible formal enforcement capability (administrative orders, civil penalties, criminal enforcement, etc.) is essential to preserving the effectiveness of HWTR's technical assistance and informal enforcement efforts. We offer technical assistance before any enforcement actions are taken, unless the problem poses an imminent threat to human health or the environment. Also, unless there is an imminent environmental/health threat, informal enforcement is normally undertaken before considering formal enforcement. Informal enforcement includes compliance letters and notices of correction for violations.

Pollution Prevention through Permitting, Closure, and Corrective Action

Facilities that treat, store, and/or dispose of dangerous wastes (TSDs) are required to obtain a permit to do so. These permits are intended to ensure that facility design, construction, maintenance, and operating procedures protect the environment. Washington currently has 15 active facilities that are either in "interim status" or have a final permit. Facilities needing to change or expand their operations need to obtain a permit modification and operating permits need to be renewed after 10 years. TSD facilities also are required to have closure plans to effectively deal with the end of their waste management activities. Environmental contamination found at any time before a facility successfully completes closure procedures may trigger cleanup "corrective action" at the site. Sites that pose the greatest hazard to human health and the environment are addressed first; HWTR is currently working on 27 high priority corrective action sites.

Improve Access to Meaningful Information and Quality Data

HWTR's automated data systems are designed to help organize program information for: planning; tracking compliance and technical assistance visits; measuring pollution prevention and compliance progress; tracking amounts of dangerous waste generated each year and its proper transport, treatment, and/or disposal; tracking toxic chemicals released and chemicals stored by Washington businesses; and tracking

information on hundreds of facilities that prepare pollution prevention plans and pay fees.

HWTR also is increasing its efforts to provide environmentally useful information to the public. We are rapidly expanding numeric and narrative information available over the Internet. HWTR has a high quality Web page that is constantly expanding in response to public and staff suggestions. Under our Community Right to Know Program, we offer assistance to citizens and local governments wanting to know about toxic chemicals in their community (more than 9,500 phone calls last year on our toll-free number).

Major Issues

Future of Waste

Many of the important issues addressed in the 1992 Washington Hazardous Waste Plan have changed in the intervening nine years. Different types of hazardous waste are now of major concern, there have been regulatory reform efforts, and there is a major emphasis on sustainability and pollution prevention. To address these changes, HWTR intends to develop a 20 to 30 year hazardous waste/toxics reduction long range plan, coupled with a 2 to 10 year strategic action initiative. The “future of waste” plan will refocus the program’s efforts toward current highest priorities, advance the goals of sustainability and zero waste, offer recommendations for using less toxic chemicals in product content and manufacturing, and for producing less hazardous waste.

Reconciling the conflicting interests of different interests and the demands of differing timeframes, trying to integrate different plan mandates, and not unintentionally foreclosing certain policy options will all be difficult challenges in this project.

Long Term Stability for the Hazardous Waste Management Industry

The hazardous waste management industry in Washington has numerous problems. There have been a number of recent high profile

environmental site contaminations involving treatment, storage, and disposal (TSDs) facilities, and the industry’s financial situation is marginal.

On one hand, recent enforcement actions against TSDs may create the perception in the industry that they should not support improving hazardous waste management facilities or should close their facilities in Washington. On the other hand, citizens and environmental groups are demanding tighter environmental standards and enforcement at TSDs.

The challenge for the agency is to maintain hazardous waste management capacity in the state while strengthening environmental protection. The agency plans to develop a legislative package that looks at strengthening environmental standards, redesigning financial assurance, and possibly developing fee mechanisms for the permitting, closure, and corrective action processes at TSDs.

Philips Georgetown Environmental and Community Issues

Burlington Environmental Inc., a subsidiary of Philip Services Corporation, operates a hazardous waste treatment and storage facility in the Georgetown area of Seattle, a low income mixed land use area in south Seattle. Georgetown has numerous citizen action groups focusing on environmental quality and social justice issues, and the Philip Facility, as well as nearby Preservative Paint and Long Painting, has become a lightning rod for local activism. There is groundwater contamination around the Philips Facility, and neither Philip nor EPA advised residents about this contamination until recently. Furthermore, the required pre-cleanup studies have taken far longer than the 1991 hazardous waste permit allowed.

A study of groundwater contamination is currently under way at Philip Services, and EPA is in the process of transferring the lead for the cleanup to the Department of Ecology. The Philip Georgetown hazardous waste management permit expired as of August 5, 2001 and the agency is reviewing an application for renewing the permit. The process to review the permit application and

to determine whether to issue a new permit may take several years. The agency will continue to face considerable challenge in balancing the interests and needs of nearby residents, local citizen groups, legislators, hazardous waste generators, and the TSD industry.

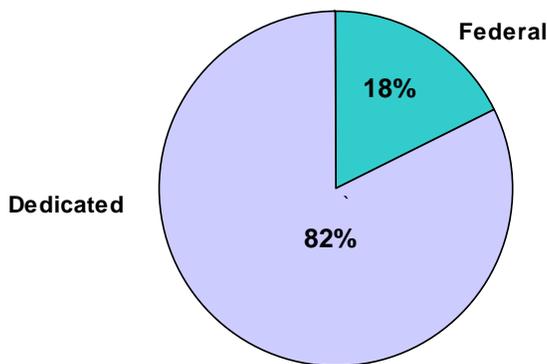
Hazardous Waste and Toxics Reduction Program Budget

Budget: \$18,933,328; Staffing: 115 FTEs

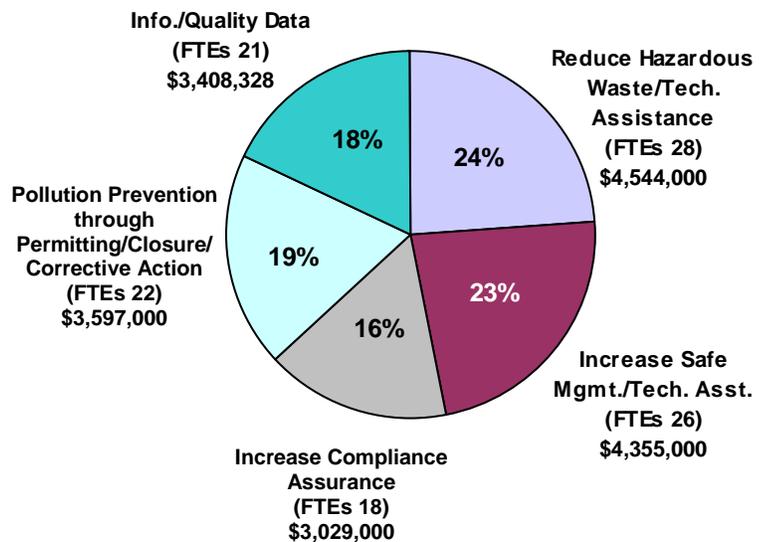
Federal	(\$ Amount)	Sources	Uses
General Fund – Federal	3,371,693	Federal Grants	Grant funds received from EPA for implementing federal Resource Conservation and Recovery Act (RCRA) and for pollution prevention
Dedicated Funds			
State Toxics Control Account	10,541,572	Hazardous-substance tax; recovered remedial actions and penalties collected	To promote pollution prevention and safe waste management, primarily through technical assistance to businesses, inspections of large quantity generators of hazardous waste and permitted treatment, storage and disposal facilities, and hazardous waste cleanups. To conduct criminal investigations and enforcement actions.
Hazardous Waste Assistance Account	3,554,893	Hazardous Waste Fees	Technical assistance to hazardous waste generators and hazardous substance users
Workers Right-to-Know	1,275,810	Labor and Industries fee on employers reporting more than 10,400 worker hours per year in designated industries	Dedicated fund used to compile information on hazardous substance use and to make this information available to citizens and other public entities
Local Toxics Control Account	189,360	Hazardous substance tax.	Quantify metals and dioxins in fertilizer, assess concentrations of dioxin in wood ash, and review and analyze waste derived fertilizers as a part of the fertilizer registration process.

HWTR

HWTR Program Dollars by Fund Source



HWTR Program Dollars by Activity



Program Mission

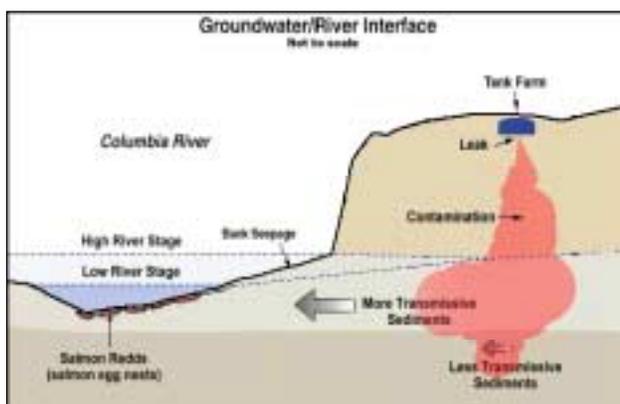
To lead the effective and efficient cleanup of the United States Department of Energy's Hanford Site, to ensure sound management of mixed hazardous wastes in Washington, and to protect the state's air, water, and land at and adjacent to the Hanford Site.

Environmental Threats

The Hanford Site consists of 560 square miles located in southeast Washington. Hanford's half-century of nuclear materials production has created one of the world's most polluted areas.

The cleanup challenges include:

- Removing and vitrifying an estimated 53 million gallons of radioactive and chemically hazardous waste in Hanford's 177 underground storage tanks.
- Removing 2,100 tons of disintegrating nuclear fuel rods stored in two old concrete basins near the Columbia River.
- Approximately 190 square miles of contaminated ground water that flows toward and eventually enters the Columbia River. Out of these, approximately 95 square miles of contaminated ground water currently violate both federal and state drinking water standards.
- Operating and closing 50 hazardous waste treatment, storage, and disposal sites, ranging from small demolition sites to half-mile long concrete canyons.



- Cleaning up 1,500 waste sites, ranging from liquid waste disposal ditches to former reactor facilities, including 9.35 million tons of contaminated soil adjacent to the Columbia River.

Authorizing Laws

The United States Department of Energy (USDOE), which operates the Hanford Site, the federal Environmental Protection Agency (EPA), and the Department of Ecology, signed a comprehensive cleanup and compliance agreement on May 15, 1989. The Hanford Federal Facility Agreement and Consent Order, or Tri-Party Agreement (TPA), is an agreement that directs the Hanford Site cleanup and reflects a concerted goal of achieving, in an aggressive manner, full regulatory compliance and remediation with enforceable milestones.

The Nuclear Waste Program was created in support of the agency's commitment to the TPA. Since USDOE was not required to comply with hazardous waste nor air and water pollution standards until the late 1980s, over the next 30 years the TPA will bring the Hanford Site into compliance with the same rules that regulate private industry. Laws that govern the program include:

- *Resource Conservation and Recovery Act (RCRA)*
- *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund)*
- *Toxic Substances Control Act*
- *Atomic Energy Act*
- *Clean Air Act*
- *Clean Water Act*
- *Hazardous and Solid Waste Amendments Act*

NWP

- *Chapter 90.48 RCW, Clean Water Act*
- *Chapter 70.94 RCW, Clean Air Act*
- *Chapter 70.105 RCW, Hazardous Waste Management Act*
- *Chapter 70.105D RCW, Model Toxics Control Act*

Constituents/Interested Parties

Federal: To promote and support a strong national cleanup program, the agency works with Congress, USDOE, EPA, the Nuclear Regulatory Commission, the Defense Nuclear Facility Safety Board, and U.S. Fish and Wildlife Agency.

States: Cooperation with other states occurs primarily through the Environmental Council of States, the National Governor’s Association, the Western Governors’ Association, USDOE’s State and Tribal Government Working Group, and the Oregon Office of Energy. Areas of interstate cooperation include federal legislation affecting cleanup activities, federal appropriations, waste transportation safety, interstate waste shipments, and regulatory streamlining.

Tribes: As the state’s lead for natural resource damage assessments at the Hanford Site, the agency works with the Yakima, Umatilla, and Nez Perce Indian nations to ensure adequate consideration is given to natural resource values in planning and conducting cleanup work. The agency is available to meet quarterly with tribal technical staff.

Natural Resource Trustee Council: The agency works with USDOE, U.S. Fish and Wildlife, and the state Department of Fish and Wildlife to ensure adequate consideration is given to natural resource values in planning and conducting cleanup work.

Local Government: The agency consults with Franklin, Benton, and Grant counties and the cities of Pasco, Richland, Kennewick, Benton City, and West Richland on Hanford issues, including cleanup goals and priorities, through the Hanford Communities group.

Public Interest Groups: The agency continues active participation in and support for the Hanford Advisory Board. The Hanford Advisory Board comprises 32 representatives of local government, labor, business, tribal, environmental, and public interests. The agency meets regularly with active organizations, such as Heart of America Northwest, Hanford Watch of Oregon, Physicians for Social Responsibility, Washington League of Women Voters, Columbia River United, and the Lower Columbia Basin Audubon Society.

Business: The agency works with principal Tri-Cities area business and labor groups interested in the agency’s activities.

Other: The Washington State Departments of Health and the Department of Ecology each regulate aspects of the commercial low level radioactive waste disposal facility operated by US Ecology, Inc. at the Hanford Site. This facility serves the Northwest Compact for low level radioactive waste disposal. Washington is the host state for the compact, which consists of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Wyoming. Washington State participates in the national low level waste forum through the Department of Ecology.

Major Activities

The Tri-Party Agreement defines and ranks the cleanup commitments, establishes responsibilities, provides a basis for budgeting, and reflects enforceable milestones. Major activities include:

Tank Waste Disposal: Requiring the effective and efficient treatment and remediation of all Hanford tank waste.

Tank Waste Storage: Safe storage and management of all Hanford tank waste to complement the retrieval and treatment of tank waste and eventual closure of all tank farms.

Waste Management: Ensure the safe management of dangerous and mixed wastes at Hanford as well as mixed waste sites throughout Washington.

Facility Transition: Assist the effective and efficient remediation of contaminated facilities throughout the Hanford Site.

Environmental Restoration: Restore the public use of the air, soil, and water at Hanford and remove or reduce the risks associated with past Hanford activities to people and the environment.

Major Issues

The USDOE Environmental Management Program is the largest environmental program in the nation. The cleanup of the Hanford Site is one of the largest elements of this program.

Tank Waste Cleanup

The cleanup of underground tanks at the Hanford Site will be one of the longest and most costly public works projects ever undertaken. A key element of the cleanup work is retrieving and treating wastes that are stored in underground tanks. The start of constructing the tank waste treatment facilities necessary to get waste out of failing and aging tanks (a major milestone in the TPA) has been repeatedly delayed. The agency is actively pressing for construction to begin in order to start treating tank wastes beginning in 2007. The agency will continue to use available legal and political tools to prevent further schedule slips.

Continuation of Hanford Cleanup Progress

Cleanup progress has started on major Hanford facilities. The USDOE must be encouraged to continue seeking ways to maintain progress on the stabilization and decommissioning of these facilities to reduce hazards to workers and the environment. Progress must be maintained on issuing closure or final operating permits for waste transportation, storage, and disposal at the Hanford Site.

Protection of the Columbia River

Work must continue to clean up sites that could add to groundwater or river contamination, including the removal of decaying fuel rods from concrete storage areas located near the Columbia River. Groundwater cleanup and close

monitoring of liquid waste discharges and cleanup must also continue.

Decisions about Additional Waste Storage or Treatment at Hanford

Many recent and pending national decisions link the cleanup of former nuclear weapons plants and the disposition of surplus weapons materials. Hanford is a potential storage, treatment, and disposal site for not only its own wastes and materials, but also those from many other sites in the country. At the same time, long term plans for Hanford cleanup include shipping transuranic and high level wastes, spent nuclear fuel, and surplus plutonium to other sites for disposal. The agency participates actively in national forums that deal with these issues and advises state policy makers on the state's response to these cleanup plans.



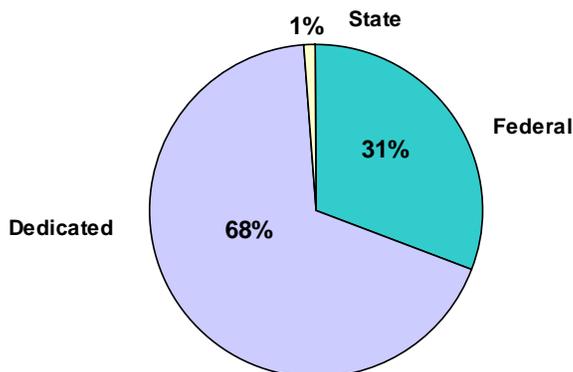
NWP

Nuclear Waste Program Budget

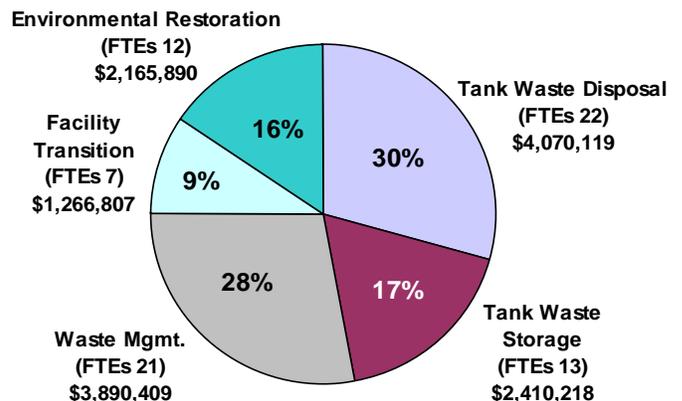
Budget: \$13,803,443; Staffing: 75 FTEs

State	(\$ Amount)	Sources	Uses
General Fund – State	170,421	Multiple	Congressional liaison for Hanford cleanup and Air Pollution Control oversight.
Federal			
General Fund – Federal	4,253,760	Federal grants	Remove radiological and heavy metal contaminants from soils; remove and store spent nuclear fuel. Provide regional management of low level radioactive waste. Educate public on Hanford Environmental DOSE Reconstruction Project
Dedicated Funds			
General Fund – Private Local	712,701	Site use permit fee for generators, packagers, or brokers using the Hanford Low Level Radioactive Waste Disposal Facility	Policy oversight of commercial low level radioactive waste disposal within the state and the Northwest Interstate Compact on low level radioactive waste management
State Toxics Control Account – Mixed Waste Fee	8,265,371	Permit fees for Mixed Waste Facilities	Remove radiological and heavy metal contaminants from soils; remove and store spent nuclear fuel; provide regulatory assistance to USDOE
Water Quality Permit Fees	206,029	Fees collected for wastewater discharge permits	Actions needed to maintain safe facilities which treat wastewater discharges on the Hanford site
Air Operating Permit Fees	195,161	Permit fees collected for air contaminant sources	Actions needed to maintain safe facilities which treat waste discharges on the Hanford site
Capital Budget Funding: \$5,292,009			
Site Closure Account	5,292,009 <i>reappropriation</i>	Fee charged to generators of radioactive waste	Closure and decommissioning of the Hanford low level radioactive waste disposal facility

Nuclear Waste Program Dollars by Fund Source



Nuclear Waste Program Dollars by Activity



Shorelands and Environmental Assistance Program

Contact: Gordon White, Program Manager, (360) 407-6977

Program Mission

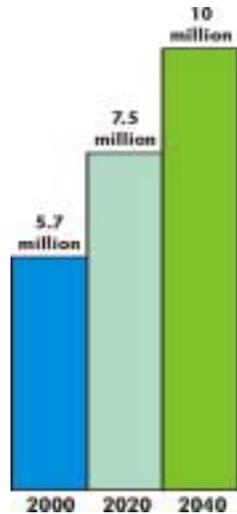
The mission of the Shorelands and Environmental Assistance (SEA) Program is to work in partnership with communities to support healthy watersheds and promote statewide environmental interests.

Environmental Threats

Washington State is blessed with an abundance of rivers, streams, lakes, wetlands, and marine waters. These priceless shoreline and aquatic resources are part of the natural beauty that attracts people to the state. Ironically, this attraction presents the greatest threat to the very resources that create the allure.

By the middle of the 21st century, Washington's population is expected to double, adding the equivalent of 29 cities the size of Tacoma.

Increased population leads to increased development and places a growing strain on existing utilities, infrastructure, and natural resources. On average, more than 700 shoreline permits and 600 water quality certifications are written each year for development and other activities along rivers, lakes, and marine shorelines. Increased demand for energy and transportation improvements place added stress on aquatic resources.



Population Projection

The challenge facing the citizens of Washington is how best to allow and support appropriate development while ensuring the long-term health of watersheds. This includes preventing the incremental degradation of fish and wildlife habitat and water quality. It also means reducing the threats of flooding and erosion to public safety and property.

Authorizing Laws

- *Chapter 90.58 RCW, Shoreline Management Act*
- *Chapter 90.82 RCW, Watershed Planning Act*
- *Chapter 86.16 RCW, Floodplain Management Act*
- *Chapter 86.26 RCW, State Participation in Flood Control Maintenance*
- *Chapter 90.71 RCW, Puget Sound Water Quality Program*
- *Chapter 43.220 RCW, Washington Conservation Corps*
- *Chapter 90.48 RCW, Water Pollution Control Act*
- *Chapter 43.21 RCW, State Environmental Policy Act*
- *Chapter 90.84 RCW, Wetlands Mitigation Banking*
- *Chapters 90.03.265 and 43.21a.690 RCW, Cost Reimbursement*
- *Transportation Streamlining (ESB 6188, 2001 Legislative Session)*
- *Coastal Zone Management Act, 16 U.S.C. 1451 et seq.*

Constituents/Interested Parties

- *Local Government*
- *State and Federal Resource Agencies*
- *Tribes*
- *Business*
- *Environmental Organizations*
- *Citizens/Property Owners*

Major Activities

Help Communities Improve Shoreline Management

The Shoreline Management Act (SMA) establishes a cooperative program between local and state governments, in which local governments develop and administer local shoreline master programs, and the agency provides support and oversight. This includes updating state guidelines, as needed (see major

issues below), providing technical assistance to local governments, reviewing shoreline permits to ensure an appropriate level of resource protection and implementation of shoreline management policies, and providing financial assistance for master program updates and local shoreline projects.

In the coming biennium, agency staff will provide targeted technical assistance to communities updating and implementing their shoreline master programs. A technical outreach team has been created to support jurisdictions moving forward with their updates. Agency staff also will continue to provide timely review and comments on shoreline permits, investigate shoreline complaints and coordinate with local governments on compliance and enforcement issues, and develop, maintain and share data, and information that support shoreline decision making.

Increase Compliance with Environmental Laws

The agency issues water quality certifications and coastal zone management consistency determinations for water related construction projects. The agency also issues and reviews shoreline permits, as mandated by the Shoreline Management Act. Once permits or approvals are issued, it is up to the applicant to comply with permit conditions. For the agency, there is a cost to ensuring compliance. Reviewing project mitigation reports, consulting with local governments and property owners, making field visits, and taking formal or information enforcement actions all take staff resources. Over the years, it has been difficult for the agency to devote staff time to compliance when new projects and permits demand immediate attention.

In the 2001-03 biennium, the SEA Program will work to increase compliance in two areas. First, staff will continue a recently initiated effort to review and evaluate compliance on selected shoreline variances and conditional use permits. This effort has already helped highlight projects potentially out of compliance with their permits. More importantly, the compliance review effort has helped program staff learn how to write shoreline permits that are more effective.

Second, the agency will begin to focus more attention on compliance for water quality certifications. The agency will develop a compliance monitoring program that outlines procedures for compliance review and identifies the data management needs for effective compliance tracking.

Review Projects

One of the SEA Program's primary goals is to ensure efficient and environmentally sound land use decisions. The program addresses this goal using several approaches. For example, the agency's Permit Assistance Center provides applicants with a "one-stop" shop for information, contacts, applications, and assistance with the environmental permitting and regulatory decision making process through four regional locations across the state.

The state's cost reimbursement program provides an optional process in which applicants can reimburse the agency for the cost of hiring contractors to perform work that is outside of the agency's workload capacity. "Out-sourcing" excess workload through the cost reimbursement program is an effective tool for delivering regulatory and permit decisions in a timely manner when the agency does not have the capacity to meet all project review needs.

The SEA Program is beginning an effort to provide tools to integrate state and local plans and policies with environmental analysis. This comprehensive approach will be applicable to plans, programs, policies, and regulations of local governments and state agencies.

Finally, the agency will continue its ongoing project review work by administering the State Environmental Policy Act (SEPA), issuing water quality certifications, making Coastal Zone Management federal consistency determinations, and coordinating the state response to various federal permits.

Protect, Restore, and Enhance Habitat

The degradation and loss of aquatic habitat is a growing concern in Washington, especially given

the decline of salmon and other aquatic species. The SEA Program will employ a variety of strategies to protect, restore, and enhance habitat.

The Washington Conservation Corps will place 25 crews around the state to work on a variety of watershed restoration and enhancement projects. In all, crews will restore or enhance up to 85 miles of riparian habitat this biennium.

The Padilla Bay National Estuarine Reserve in Skagit County is jointly operated by the Department of Ecology and the National Oceanic and Atmospheric Administration. Besides offering a variety of estuary education programs to students, citizens, and decision makers, the reserve will continue to study and control the spread of the invasive plant *Spartina alterniflora*. Invasive species are an increasing threat to habitat health in Washington waters.

Wetlands mitigation banking is a tool that creates an economic incentive for restoring, creating, enhancing, and/or preserving wetlands. Mitigation banks typically involve the consolidating many small wetland mitigation projects into a larger, potentially more ecologically valuable site. In 1998, the Washington State Legislature adopted the Wetlands Mitigation Banking Act. This biennium, the agency will adopt final rules for mitigation banking and develop guidance materials for agencies and banking applicants.

Finally, agency staff will continue to provide ongoing technical assistance to protect habitat. This includes site visits, one-on-one consultations, training workshops, Web site development, data dissemination, publications, and more. In addition, a new coastal training initiative is being developed under the leadership of staff at the Padilla Bay Reserve. This effort will coordinate and develop a variety of training for coastal decision makers, including workshops on habitat protection and restoration.

Support Local Watershed Management

Diminishing water availability and quality, and the loss of crucial habitat for fish and wildlife are key

issues facing Washington State. The state depends on reliable supplies of clean water to support growing communities, restore our fisheries resources, and support agricultural production. The 1998 Legislature passed the Watershed Planning Act to provide a framework for local citizens, interest groups, and government organizations to collaboratively identify and solve water related issues through watershed planning.

This biennium, agency staff will coordinate watershed planning efforts in 40 or more of the state's 62 watershed resource inventory areas (WRIAs) by providing technical support and representing the state's interests at the local planning tables. The agency also will administer an annual grants program of more than \$5 million for local planning and assessment efforts. This includes a new funding program specifically aimed at setting minimum stream flows.

Reduce Flood Hazards while Protecting Environmental Interests

Washington is one of the most flood prone states. Since 1971, the state has received 24 presidential disaster declarations for flooding, including 10 declarations in the 1990s. Damages from flooding have been considerable. For example, the floods of 1990 caused \$250 million in damages, while the floods that occurred between November 1995 to June 1997 caused \$375 million in damage to state transportation facilities alone.

The Department of Ecology, through the Flood Control Assistance Account, supports local governments by providing funding and technical assistance for plans and projects to reduce flood hazards. The Department of Ecology is also the state's coordinating agency for the National Flood Insurance Program and provides technical assistance and support to the 250 communities enrolled in the program. This biennium, the agency will work in partnership with the Federal Emergency Management Agency to produce better floodplain maps for local governments to use in regulating development.

Major Issues

Shoreline Master Program Guidelines

For the past five years, the agency has been engaged in a process to update the shoreline master program guidelines. The guidelines provide minimum statewide requirements for local government shoreline master programs. The rules, adopted in November 2000, were subsequently invalidated by the state Shorelines Hearings Board in August 2001 and were remanded to the agency.

At the time this document was published, the decision by the hearings board is being appealed, but the parties will try to reach a settlement. However, the challenge for the state remains the same: improve shoreline management practices to reflect current scientific understanding of shoreline ecology, and achieve balanced and effective resource management. Accomplishing this will require clear guidelines, sufficient technical support, more funding, and more time for communities to update their shoreline master programs.

Streamlining Environmental Permitting

Permit streamlining is a significant area of interest to the agency. Through the activities of the Permit Assistance Center, the Governor's Competitiveness Council, and the Transportation Permit Efficiency and Accountability Committee (e.g. ESB 6188, 2001 session), the agency will consider a variety of streamlining solutions. The challenge in permit streamlining is to develop timely and predictable permitting processes that result in projects that meet environmental standards and objectives and aren't vulnerable to appeal. The agency will continue to focus attention on this significant issue throughout the biennium.

Salmon Recovery and the Endangered Species Act

The Endangered Species Act (ESA) listing of several salmon species will continue to affect the agency's regulatory, financial assistance, and technical support activities for years to come. Permit decisions, grant agreements, and guidance

documents must now all be assessed for their potential effects on salmon. The challenge for the agency is to continue to operate under existing state authorities without violating the ESA (e.g. causing a "take" of salmon). This is especially challenging given the newness of the listings and the limited federal guidance available.

The shoreline guidelines are an interesting case in point. The guidelines were written to provide an optional path that would ensure local governments compliance with the ESA. But this linkage to the ESA was one of the reasons the guidelines were overturned by the Shoreline Hearings Board. History has shown that it takes years to resolve management issues for listed species. In the future, the agency will continue to work with the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and other state partners to

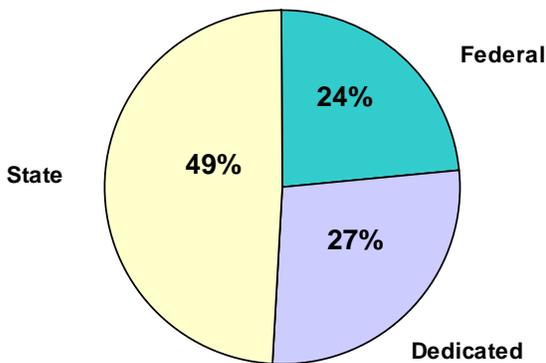
Shorelands and Environmental Assistance Program Budget

Budget: \$43,932,911 Staffing: 153 FTEs

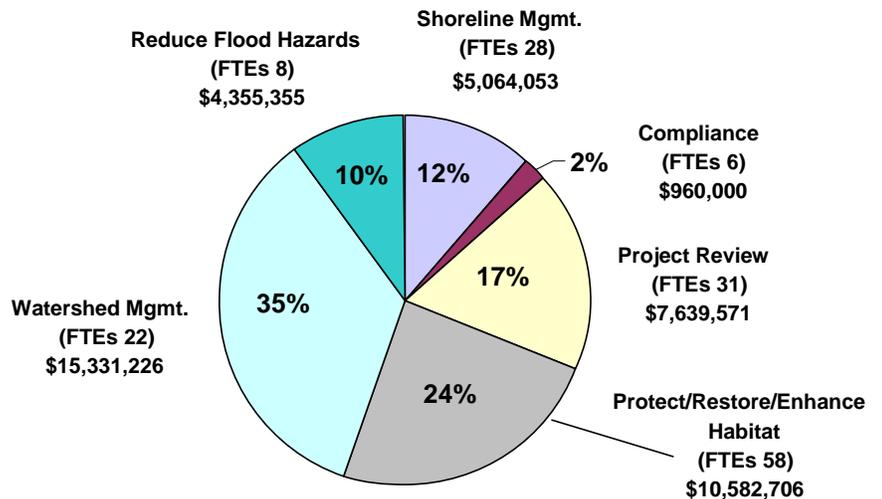
State	(\$ Amount)	Sources	Uses
General Fund - State	21,545,680	Multiple	Shoreline management planning, implementation enforcement, and technical assistance to local governments. Wetlands Protection and PSAT Plan implementation requirements. Watershed planning grants. Match for federal grants. SEPA, Permit Assistance Center.
Federal			
General Fund – Federal	10,410,418	Federal grants	Primary grant - NOAA Coastal Zone Management. Coastal zone management planning, implementation, enforcement, and technical/financial assistance to local governments. EPA grants for wetlands. Various Padilla Bay operating, data collection and analysis grants. Sediment cleanup. WCC
Dedicated Funds			
General Fund – Private	3,274,524	Cost reimbursement contracts, donations, and other miscellaneous income	Permit and project review and outsourcing contracts. Padilla Bay operations and Washington Conservation Corps.
Flood Control Assistance	3,947,795	Treasurer transfer from the State General Fund	Administer Flood Control Assistance program. Grants to local governments for comprehensive flood mitigation projects, repair of damaged dikes, and levees
Water Quality Account	4,626,494	Tobacco Tax	Washington Conservation Corps, watershed assessments, streamflow monitoring, watershed coordination assistance, and grants.
Environmental Excellence	128,000	Agreements with businesses or local governments	Provides authority to enter into agreements to develop innovative ways to protect human health and the environment, by improving operating efficiency.

SEA

SEA Program Dollars by Fund Source



SEA Program Dollars by Activity



Solid Waste and Financial Assistance Program

Contact: Cullen Stephenson, Program Manager, (360) 407-6103

Program Mission

The mission of the Solid Waste and Financial Assistance (SW&FA) Program is to reduce both the amount and the effects of wastes generated in Washington State.

Environmental Threats

The most imposing environmental threats facing the state in the next two years include pollution of the state's ground water and surface water and air that result from improperly disposing wastes.

Some of the biggest toxic waste cleanup sites in Washington are former solid waste landfills that have failed to contain the hazardous materials.

Wastewater, air contaminants, and dangerous wastes generated by industrial sources produce very large volumes and remain a significant threat to Washington's environment. The industries associated with these waste streams are pulp and paper, aluminum smelting, and oil refining businesses.

The continued increase in waste caused by the state's growing population will require a shift in policy emphasis to waste reduction and prevention as a basis for sustainable solid waste management.

Authorizing Laws

- *Chapter 70.95 RCW, Solid Waste Management Act – Reduction and Recycling*
- *Chapter 70.93 RCW, the Waste Reduction, Recycling, and Model Litter Control Act*
- *Chapter 70.95C RCW, Waste Reduction*
- *Chapter 70.105 RCW, Hazardous Waste Management Act*
- *Federal Resource Conservation and Recovery Act*
- *Chapter 70.138 RCW, Incinerator Ash Residue*
- *Chapter 70.105D RCW, Model Toxics Control Act*

- *Chapter 70.95D RCW, Solid Waste Incinerators and Landfill Operators*
- *Chapter 79.95J RCW, Municipal Sewage Sludge (Biosolids)*

Constituents/Stakeholders

- *State and Local Governments*
- *Environmental Interests*
- *Private Sector*
- *Businesses*
- *Citizens*

Major Activities

The agency manages five sets of overlapping activities within the Solid Waste and Financial Assistance Program. The activities include efforts to reduce or recycle the waste stream, regulating and monitoring permitted industries, supporting state and local policy and planning, providing grants to support local governments' efforts, and employing litter pickup crews. More detail about these areas is presented below.

Waste Reduction and Recycling in Support of a Sustainable Future

The agency is in the early stages of exploring strategies that might better align the state's environmental, social, and economic imperatives. The Solid Waste and Financial Assistance Program will test practical ways to be consistent with the principles of sustainable communities. Some of these include:

State Solid Waste Plan: When completed in 2003, the revised state plan will provide a 10 year vision for reducing the amount and effect of waste and will focus efforts on waste prevention and reduction by state and local governments and citizens of the state.

Pollution Prevention (P2): The program's pollution prevention strategy centers around:

- Providing technical assistance to local governments and to contractors for reducing

SWFA

- and re-using construction and demolition materials.
- Providing grants for pollution prevention initiatives by local governments, trade associations, and citizen groups.
- Providing grants for collecting moderate risk waste from households and small quantity generators, as well as reducing toxicity of the waste.
- Providing technical assistance to local governments to implement waste and toxicity reduction initiatives.
- Working with industries measuring the progress of pollution prevention plans.

Waste Reduction and Recycling Assistance: The agency provides assistance to establish and operate local recycling programs. This assistance includes technical information on collecting and processing materials, financial data, legal mechanisms, marketing options, educational materials, and relevant policy issues.

Organic Wastes Strategy: Organic wastes continue to be a major portion of the waste stream. SW&FAP will examine several portions of the organic waste stream and the new handling methods used for managing those wastes, including biosolids, composting, wastes from the agricultural industry, and land application of solid wastes.

Regulating and Monitoring Pollution

The agency is charged with establishing environmental regulations for solid waste facilities. Regulatory authorities include overseeing the siting, design, and construction of solid waste facilities to protect the state's air, land, surface, and ground waters.

The agency's Industrial Section manages all regulatory requirements for 29 of the state's largest and most complex industrial facilities. The facilities include pulp mills, aluminum smelters, and oil refineries. Achieving compliance with state and federal regulations for air, water, and waste management is the ongoing mission of this group.

Supporting Local Government Efforts

The state administers local waste reduction, recycling, and litter pick-up activities through four grant programs:

- *Coordinated Prevention Grants* provide money to local governments for planning around solid waste and moderate risk waste, enforcing solid waste regulations, monitoring ground water at landfills, and programs for reducing and recycling wastes.
- *Remedial Action Grants* help local governments pay for studying and cleaning up hazardous waste sites. Grants also help local health districts investigate suspected contaminated sites and re-establish safe drinking water supplies where drinking water has become contaminated.
- *Public Participation Grants* are provided to citizen groups and non-profit organizations to help people participate in the decisions made at hazardous waste cleanup sites. The grants also provide funding for projects that promote proper waste management practices by citizens and businesses.
- *Litter-pickup Contracts* make up 20 percent of the Waste Reduction and Litter Control Account funds, which are provided to local governments for picking up and preventing litter in their areas.

Litter Control

A litter survey completed by the agency in 2000 showed that approximately one-quarter of the litter in the state is being picked up, including 65 tons of cigarette butts, 535 tons of metal, and additional tons of plastic automotive parts, wood debris, yard debris, beverage containers and more. The volumes point to the need for prevention, not just pickup.

Litter Prevention: As a result of the data collected from the litter survey, the agency will be conducting a litter prevention campaign to focus on changing the behavior of major offenders.

Ecology Youth Corps (EYC) crews continue to pick up tremendous amounts of litter. The program is now balancing funding for pickup

efforts with the additional need to run a litter prevention campaign.

Coordinating Regional Litter Efforts: The Solid Waste and Financial Assistance Program is convening meetings among Ecology's Youth Corp, local government, and state agencies to maximize various litter pickup efforts for efficiency and effectiveness.

Major Issues

Using Waste Prevention and Reduction to Work Toward Sustainability

Washington's waste stream continues to grow. On a per-capita basis, Washington citizens generate, dispose, and litter more waste than ever before. The state Solid Waste Management Plan, currently under development, will identify ways to reduce waste generation. The litter prevention campaign, to be launched in the spring of 2002, will be a multi-media effort to stop littering. There is a continuing need for statewide public education regarding correct disposal and recycling techniques.

In 2002, the agency will adopt the revised minimum functional standards for solid waste handling. The existing solid waste regulatory structure was last revised in 1985. The purpose of the revised standards is to address changes in the handling methods for solid waste, to allow reasonable beneficial uses of some wastes, to update land application standards, and to ease the regulatory requirements on the recycling industry.

Weakening Recycling Rates

Despite an increase in recycling rates in the mid 1990s, today's recycling rate is essentially the same as it was 10 years ago. The agency will continue to explore ways to invigorate recycling, including strategies to improve residential, commercial, and agricultural recycling, data collection, and access to recycling information.

Concerns at Industrial Facilities

Energy Market: The power crunch has very real effects on Washington's industrial facilities. Aluminum smelters have shut down in

Washington awaiting more stable energy markets. Many industrial facilities are looking for ways to supply their own power. The agency will work to reduce or eliminate air pollution from some of the natural gas or diesel power alternatives.

Dioxins: Odors, the discharge of dioxin and dioxin like compounds into water, and the tremendous amount of chemicals used by the pulp and paper industry result in a high degree of public scrutiny, which increases as the state's population grows. The agency's Industrial Section is working with the pulp and paper industry to implement new federal air toxic rules and wastewater effluent limits. The current permits reduce dioxin emissions by more than 80 percent. The program is working with the mills to develop multi-media studies for possible further reductions.

Effluent Limits: There is an ongoing debate whether to adjust effluent limits relative to production volumes, or fix it at a certain level regardless of the level of economic activity. For refineries, current discharge permit (NPDES) effluent limits are tied to production in accordance with federal guidelines. The environmental community does not feel pollution should be tied to production rates, but would rather have set pollution levels that would not increase with an increase in production.

Spent Pot Liners: Spent pot liners from the aluminum industry make up one of the largest hazardous waste streams in the state. Although many ideas have been proposed for re-using and recycling them, there remains great potential for reducing this waste stream.

Local Governments Need Financial Support of Reduction and Recycling

With more than 100 programs in Washington State, curbside recycling is now available to more than 90 percent of the population. Several of the traditional commodities, including aluminum cans, glass, and newspaper, are collected. A strong collection infrastructure, supported in large part by grants to local governments, has resulted in a private sector willing to invest in the use of

recyclables. Limited resources at the local level result in criminal justice and public health taking priority over recycling. Because many counties rely on fees for dumping waste to support recycling programs, landfills moving out of their sphere of control will result in fewer dollars available. Local jurisdictions are speaking more and more about the need for a stable funding source for disposing and recycling solid wastes

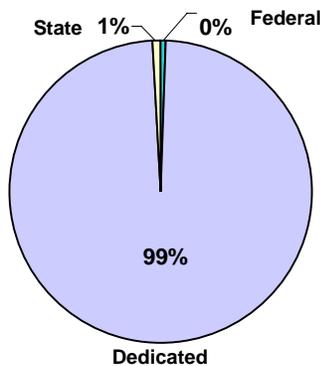
Solid Waste and Financial Assistance Program Budget

Budget: \$22,778,892; Staffing: 104 FTEs

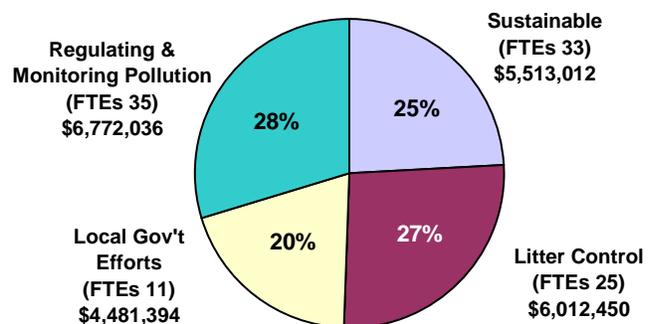
State	(\$)	Amount	Sources	Uses
General Fund – State	214,645		Multiple	Water quality permit enforcement actions.
Federal				
General Fund – Federal	101,146		Environmental Protection Agency	Grants for product stewardship and innovative water quality permits.
Dedicated Funds				
Local Toxics Control Account	2,903,621		Hazardous substance tax	Technical assistance and grants are provided to local governments for local solid waste planning and oversight of solid waste facilities.
State Toxics Control Account	3,956,314		Hazardous substance tax; recovered remedial actions and penalties collected	Provide technical assistance to local health departments, pollution prevention initiatives, regulatory reform, industrial dangerous waste, and cleanup activities; public participation grants.
Waste Reduction/Litter Control Account	12,424,055		Litter tax	Supports the Ecology Youth Corps and other efforts to clean up litter, litter prevention campaign, (50%); recycle hotline, technical assistance in waste reduction, pollution prevention initiatives and recycling (30%); litter grants to local government (20%).
Water Quality Permit Fees	1,319,388		Permit fees collected for wastewater discharge permits	Industrial water quality permitting and inspections, sediment source control.
Air Operating Permit	1,081,116		Permit fees collected for air contaminant sources	Industrial air quality permitting, inspections, enforcement.
Biosolids Permit	478,607		Fee on sewage treatment facilities	Develop and implement the biosolids program.
Environmental Excellence	300,000		Environmental Excellence	Appropriation authority for innovative pollution reduction projects.
Capital Budget Funding: \$72,749,772				
Local Toxics Control Account	72,749,772		Hazardous substance tax	Grants to local governments for remedial actions, coordinated prevention programs, public participation, and local hazardous waste liability.
	<i>(\$20,749,772 Reappropriation and \$52,000,000 new appropriation)</i>			

SWFA

SWFA Program Dollars by Fund Source



SWFA Program Dollars by Activity



Spill Prevention, Preparedness, and Response Program

Contact: Dale Jensen, Program Manager, (360) 407-7450

Program Mission

Protect Washington's environment, public health, and safety through a comprehensive spill prevention, preparedness, and response program. The Spills Program focuses on preventing oil spills to Washington waters and land and ensuring effective response to oil and hazardous substance spills whenever they occur.

Environmental Threats

Billions of gallons of oil and hazardous chemicals move through Washington each year, by ship, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and disastrous consequences. Oil and chemical spills into Washington's waters can threaten some of the most productive and valuable ecosystems in the world, while spills on land threaten public health, safety, and the environment. The effects can be acute and chronic and can damage the state's economy and quality of life.

Authorizing Laws

The harm done by major oil spills in late 1980s and early 1990s aroused public concern and resulted in state and federal legislation to protect the environment and human health from such spills. Specific Washington laws include:

- *Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response*
- *Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response*
- *Chapter 90.48, RCW, Water Pollution Control*

Constituents/Interested Parties

The agency works closely with people interested in environmental protection, emergency response, the oil industry, the shipping and transportation industry, and other users of Washington's waters. This includes:

- *Federal, state, local, and tribal governments, including the U.S. Coast Guard and local emergency management agencies*

- *The Governments of Canada, British Columbia, and Oregon*
- *Vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions*
- *Oil refineries, marine terminals, and oil pipelines*
- *Spill response cooperatives and contractors*
- *Environmental organizations and the general public*

Major Activities

Prevention

Prevention is the agency's highest priority. The single best way to keep the environment healthy and to keep down the costs of environmental protection is to prevent the release oil or hazardous substances. The Spills Program carries out a number of prevention activities, including:

Vessel Screening, Inspection, and Oil Transfers:

The agency reviews safety related information (screening) on approximately 2,600 cargo and passenger vessels each year before they arrive in Washington waters. This evaluates a ship's potential risk of having an incident that can lead to an oil spill. This information is used by Ecology's experienced maritime personnel who conduct approximately 900 onboard inspections of commercial ships each year to evaluate risk, provide technical assistance, and verify compliance with international, federal, and state requirements. The agency inspects bunkering (vessel refueling) operations and provides technical assistance to help reduce the frequency of spills during fuel transfers.

Neah Bay Rescue Tug: Over the past three winters, a tug stationed at Neah Bay has provided an important additional margin of safety for vessel propulsion and steering failures in the western Strait of Juan De Fuca and off Washington's rugged outer coast. The rescue tug is capable of controlling a fully loaded oil tanker or cargo ship in bad weather to prevent vessel casualties, major

oil spills and loss of life. Ecology oversees the contract and collaborates with the Coast Guard on when to deploy the rescue tug.

Incident Investigations: Agency personnel investigate oil and hazardous material near-miss incidents and actual accidents to determine what can be done to prevent future problems. They provide case studies of significant “lessons learned” to industry and use the information to make sure the agency focuses on the issues that add the most value.

Oil Handling Facilities: There are 36 oil handling facilities in Washington under state regulation. Agency personnel review and approve the facilities’ oil spill prevention plans and operation manuals to ensure that they are designed and operated in a manner that minimizes the potential for oil spills.

Assessing and Managing Risk: The agency analyzes the risks of oil spills in geographic areas and from certain activities. This provides information for the community to better understand, anticipate, and manage the two components of risk – *probability* of a spill and *consequences*, including damages to natural resources, the economy, and quality of life.

Preparedness

The state approved oil spill contingency plans maintained by regulated vessels and facilities help assure that companies have a spill response contractor on retainer and have a plan to respond to spills immediately with the proper equipment and trained personnel. The first few hours of a spill are crucial. An effective response to a spill must begin immediately if damages are to be minimized. Preparedness activities include:

Contingency Plan Review and Oil Spill Drills: Agency personnel review and approve oil spill contingency plans from oil handling facilities and large commercial vessels. Contingency plan “holders” and spill response companies maintain their response readiness through drills, with participation and evaluation by the Department of Ecology.

Geographic Response Plans: Agency personnel work with other agencies and private sector spill response experts to develop geographic based response plans. The plans identify and rank response strategies that best protect natural resources, drinking-water supply intakes, marinas, sensitive archeological sites, and other important shoreline segments requiring special protection. This allows spill cleanup contractors to start an immediate response with minimal initial consultation.

Response

The agency responds to accidental and intentional releases of oil and hazardous materials. These activities include:

24-Hour Statewide Response: The agency provides round-the-clock response to oil and hazardous material spills that pose a risk to public health, safety, and the environment. Incidents may be co-managed with the responsible party, and local, tribal, and federal emergency response personnel. The agency ensures that damage from the spill is contained within the smallest area possible and cleaned up as quickly as possible.

Methamphetamine Drug Lab Cleanup: Agency spill responders work with law enforcement personnel to dispose of drug lab chemicals from the sites of illicit methamphetamine drug labs and lab dumps. Removing these chemicals and processing them for proper disposal reduces the immediate threat to public health and safety posed by the illegal labs.

Compliance and Enforcement: The agency can take enforcement and compliance actions for violations related to oil and hazardous material spills, including imposing fines and requiring changes in operating practices to prevent future spills.

Natural Resource Damage Assessment and Restoration

When an oil spill causes significant damage to publicly owned natural resources, the agency coordinates assessing the degree of damage, and seeking fair compensation from the responsible

party(s). The agency works with other organizations using the collected monies to restore the injured resources.

Major Issues

Strengthening the State/Coast Guard Partnership

On May 25, 2001, Governor Locke and 13th U.S. Coast Guard District Commander Admiral Brown, signed a memorandum of agreement on oil spills. This agreement further strengthens federal and state collaborative efforts to prevent and respond to oil spills in Washington's waters. The Department of Ecology and the U.S. Coast Guard are beginning the work for a cooperative vessel inspection program, sharing information, and monitoring oil transfer operations. Other joint initiatives include implementing recommendations from the North Puget Sound Oil Spill Risk Management Panel, managing the risk of oil spills in Haro Strait and on the Columbia River, and working with the Pacific States/British Columbia Oil Spill Task Force to implement a coastal vessel risk management system from California to Alaska.

Making the Neah Bay Rescue Tug Permanent

The Legislature funded the tug for the 2000-01 and 2001-02 winter seasons, providing \$1.65 million and \$1.7 million, respectively, for emergency towing assistance. The agency continues to work with interested parties, legislators, the state's congressional delegation, and federal officials to establish permanent federal and state funding. Over the 2001 Thanksgiving weekend, the rescue tug was instrumental in keeping the 906-foot decommission oil tank ATIGUN PASS off of Washington's beaches, preventing a large oil spill. The value of such tugs has already been demonstrated in Alaska, Japan, South Africa, Great Britain, the Netherlands, and in the Baltic Sea. Ecology will continue its efforts to maintain Washington's only spill prevention system on the outer coast.

Improving Marine Safety on the Columbia River

The Columbia River experienced a number of vessel groundings and oil spills during the first half of 2001. The waterway's winding channel precludes establishing a radar-based vessel traffic service, while high traffic volumes and little under-keel clearance for deep draft vessels contribute to the likelihood of a collision or powered grounding. The Department of Ecology, in concert with other interested parties, is placing an increased emphasis on reducing risk in this waterway through activities that may include testing a prototype computer based vessel position system (AIS) and waterway risk analyses.

Improving the Safety of Major Oil Pipelines

The 1999 oil spill and explosion from Olympic Pipeline in Bellingham released more than 200,000 gallons of gasoline, killed three people, and caused extensive environmental damage. The incident highlighted the risk posed by petroleum transmission pipelines. The 2001 Legislature funded one additional person in the agency to strengthen the state's ability to prepare for and respond to these spills.

Enhancing Oil Spill Contingency Plans

The agency's rules for facility and vessel oil spill contingency plans were adopted in 1991 and 1992. Recent drills have identified gaps in the ability of industry contingency plan holders to respond to a probable "worst case" oil spill. The agency is updating its rule to strengthen spill response standards, establish salvage and other vessel emergency service standards, improve the drill program, and make other necessary changes.

Meeting Expanding Drug Lab Cleanup Workload

Since 1994, the agency has had to clean up an ever-increasing number of drug labs. This activity has reduced the agency's ability to respond to oil spills and hazardous material incidents. The 2001 state operating budget provided funding for six new drug lab responders, which will free up existing staff to refocus on other environmental and public health and safety threats.

Tax Structure & Funding Needs

The Spills Program is funded by a five-cent tax on each barrel of oil (0.12 cent per gallon) imported into the state. A number of equity and funding stability issues have been raised related to the tax. These concerns include a tax credit for oil exported from the state, an exemption on oil imported by pipeline, and the fairness of relying entirely on the petroleum industry for funding. The tax credit has resulted in periodic revenue fluctuations that hinder the effectiveness of state efforts.

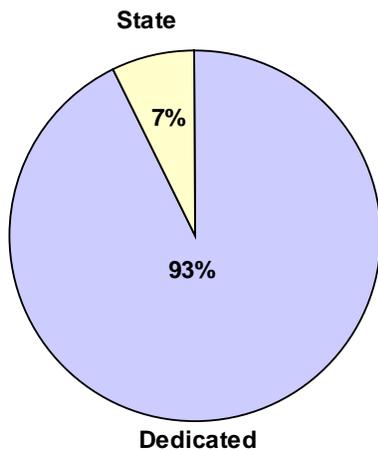
Spill Prevention, Preparedness, and Response Program Budget

Budget: \$23,254,774; Staffing: 68 FTEs

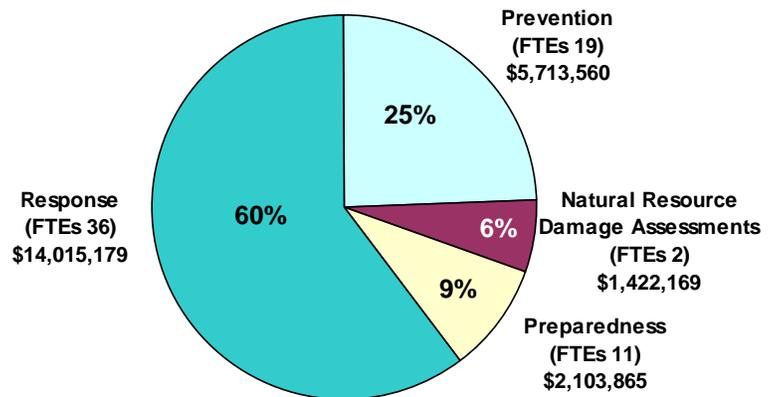
State	(\$ Amount)	Sources	Uses
General Fund - State	1,700,000	Multiple	Emergency towing services for Puget Sound including the Neah Bay Rescue Tug (FY 02 only)
Dedicated Funds			
Oil Spill Prevention Account	6,964,215	Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State	Routine oil spill prevention, preparedness, and response work
Oil Spill Response Account	7,078,000	Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State	Oil spill cleanup where state response costs are expected to exceed \$50.00
Coastal Protection Fund	1,084,000	Natural Resource Damage Assessments (NRDA); spill penalties; and a small contribution from the marine gas tax	Restoration of natural resources damaged by oil spills, certain non-personal related oil projects
State Toxics Account	6,428,559	Hazardous substance tax; monies recovered from remedial actions and penalties	Routine hazardous material spill preparedness and response work including drug lab cleanup

SPILLS

Spills Program Dollars by Fund Source



Spills Program Dollars by Activity



Program Mission

To get and keep contaminants out of the environment.

Environmental Threats

The agency has identified nearly 9,000 contaminated sites in Washington. Roughly 6,000 of these are the result of an underground storage tank leaking into the environment and contaminating the soil and/or ground water.

Contamination at each site is unique and can pose a different type and level of risk to public health and the environment. For example:

- Soils contaminated by arsenic and covering several miles have been discovered in school playgrounds, parks, and backyards, as well as at industrial facilities.
- Fish and shellfish living near chemically contaminated sediments can retain toxins in their system and expose people to toxins when eaten. Contaminated sediments can also contribute to declining fish populations.
- Contamination can affect drinking water sources and exposes people to chemicals in the water they drink and use at home.

We know cleaning up contaminated sites protects human health and the environment. It's also important to note that restoring contaminated property and putting it back into productive use preserves undeveloped lands and preserves further decline of state resources such as fish and shellfish habitat.

Authorizing Laws

- *Chapter 70.105D RCW, Model Toxics Control Act*
- *Chapter 90.76 RCW, Underground Storage Tanks*
- *Chapter 90.48 RCW, Water Pollution Control Act*
- *Chapter 90.71 RCW, Puget Sound Water Quality Protection*

Constituents/Interested Parties

An important element of the Model Toxics Control Act (MTCA) is including the public and other interested parties throughout the process of cleaning up contaminated sites and developing new initiatives. The agency continues to build partnerships among government, industry, and citizens. Constituents interested in cleaning up contaminated sites include:

- *The Legislature*
- *State, Federal, and Local Governments*
- *Conservation and Environmental Groups*
- *Business and individuals engaged in the cleanup of contaminated sites*
- *Ports*
- *Insurance Companies*
- *Tribes*

Contaminated Site Cleanup Constituents also included:

- *Lender, Developers, Realtors*
- *Owners of Contaminated Sites*
- *Water Purveyors*
- *Citizens interested in, living near, or affected by contaminated sites*

Underground Storage Tanks Constituents also include:

- *Tank Owners/Operators*
- *Homes and business affected by leaking underground storage tanks*
- *Petroleum Companies*
- *Underground Storage Tank Service Providers*

Major Activities

Clean up the Worst Contaminated Sites First (Uplands)

One of the agency's highest priorities is to clean up contaminated sites. The agency focuses its resources on cleaning up sites that pose the greatest risk to public health and the environment. These are normally ones where the contamination threatens drinking water, exists in a large quantity, is very toxic, may affect a water body, or may affect people that are living, working, or recreating near the site. Contaminated sites range

from complex, highly industrialized properties to corner gas stations where a leak from an underground storage tank has occurred. The contamination may be in the soil, sediments, underground water, air, drinking water, and/or surface water.

Clean Sites Initiative: The agency's capacity to clean up sites and foster economic development had been restricted by the volatility of the funding source (Toxics Control Accounts) supporting the program. In 2001, given stronger oil prices revenue has been on the upswing, allowing the agency to request and receive funding for the "Clean Sites Initiative." This initiative will provide the agency with dollars to clean up sites where cleanup efforts had previously been delayed. It will also allow the agency to make payments to EPA for its share of cleaning up Superfund sites if revenue remains strong.

Voluntary Cleanup Program: The Department of Ecology's Voluntary Cleanup Program, created in October 1997, provides services to site owners or operators who initiate cleanup of their contaminated sites. Voluntary cleanups can be conducted in a variety of ways: completely independent of the agency, independent with some agency assistance or review, or with agency oversight under a signed legal agreement (an agreed order or a consent decree).

There are several ways sites can be cleaned up under the Voluntary Cleanup Program. These include consultations, prepayment agreements, prospective purchaser agreements, and brownfields redevelopment.

Area-wide Contamination

The agency is increasingly finding large areas or "mega-sites" (several acres to many square miles of land affected by historic smelting and mining activities – see below) with low to moderate levels of soil contamination caused by a range of historical activities. The agency is beginning to develop a strategy to address these area-wide contamination problems found in the western and eastern parts of the state. The strategy will focus on arsenic contamination from stationary

emission point sources and historic uses of agricultural products.

Worst First Cleanups (Aquatic)

In addition to cleaning up sediments, the agency addresses the environmental health of sediments in source control permits, manages sediment standards and regulations, and maintains a sediment information database. The agency also manages multi-agency sediment cleanup projects.

All Other Cleanup Related Priorities and Support

Superfund Coordination: Washington was the first state approved by the Environmental Protection Agency (EPA) to be a lead regulator, with no federal involvement, for a number of Superfund cleanup sites. In 1994, EPA and the Department of Ecology divided up additional military and Superfund sites, including privately owned sites. This redefinition of state and federal roles eliminates duplication and leads to more efficient cleanups. The agreement has received national recognition as a model of intergovernmental cooperation.

The agency is a national leader in the cleanup of military sites. Through partnering with the Department of Defense, the agency has overseen cleanup decisions for more military sites than any other state.

Underground Storage Tanks: The agency currently regulates about 11,189 active tanks on 4,074 different properties, including gas stations, industries, commercial properties, and governmental entities. The agency works to ensure these tanks are installed, managed, and monitored in a manner that prevents releases into the environment. To do so, the agency conducts compliance inspections on about 400 sites per year (most sites have multiple tanks) and provides technical assistance to tank owners.

State Agency Involvement: The agency has signed memorandums of understanding with the departments of Health, Transportation, Natural Resources, and the Pollution Liability Insurance

Agency. Each of these documents serves to define, in part, how the respective agencies will perform their responsibilities for cleaning sites throughout the state.

Local Government Involvement: The agency has seen an increase in interest in Remedial Action Grants. This program provides funding for local governments to clean up publicly owned contaminated sites and related work. The agency's priority will be to continue funding for existing projects at partial funding amounts in order to maximize the number of projects that can proceed, and then to work with new applicants on proposed projects. The agency is exploring ways to leverage existing grant dollars to cover the increased local government interest.

Measure Success: The number of contaminated sites the agency tracks across the state has reached 8,900. Of these sites, 51 percent have been cleaned up and require no further action, and 37 percent are in some stage of cleanup. Only 12 percent are awaiting further investigation or cleanup to occur. Of these sites, there have been 1,144 sites with owners/operators interested in conducting a voluntary cleanup. The number of sites where cleanups have been completed voluntarily has reached 591, while 553 sites have a voluntary cleanup under way.

The agency has been working with tank owners to get all tanks into compliance with EPA standards. About 96 percent of underground storage tanks now have leak detection equipment. All licensed tank owners have documented their ability to pay the costs of cleaning up releases in order to obtain operating permits.

Major Issues

Mega-Sites

The Tacoma Smelter Plume: The Tacoma Smelter plume is a "mega-site" for the agency. This site is an example of a very large "area-wide" contamination site.

Air emissions from the former Asarco Ruston smelter have contaminated 200 to 300 square

miles of primarily urban land in portions of King, Pierce, and Kitsap counties, including Vashon and Maury islands in King County. The plume covers tens of thousands of residential, commercial, and industrial properties, leaving behind elevated arsenic and lead in the surface soils. The sheer size of the area and the number of diverse communities within it call for a unique approach to cleanup, requiring a sophisticated, flexible, and adaptive management plan and implementation strategy.

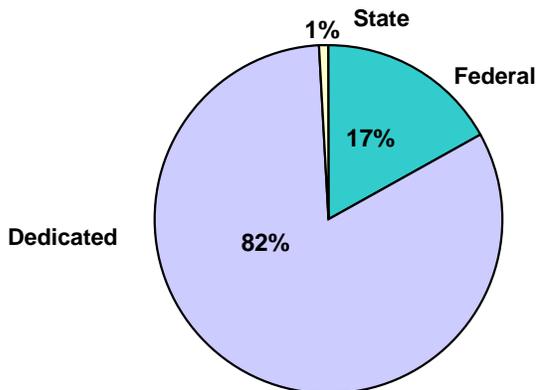
Spokane River: The Spokane River is another example of a mega-site. Historic mining activities in the Coeur d'Alene River Basin of Idaho have washed metals downstream, contaminating surface water, sediments, macroinvertebrates, and fish in the Spokane River. A health advisory issued in the summer of 1999 warns the public about specific locations along the beach where there are elevated levels of lead and arsenic in the soils.

Toxics Cleanup Program Funding Program Budget

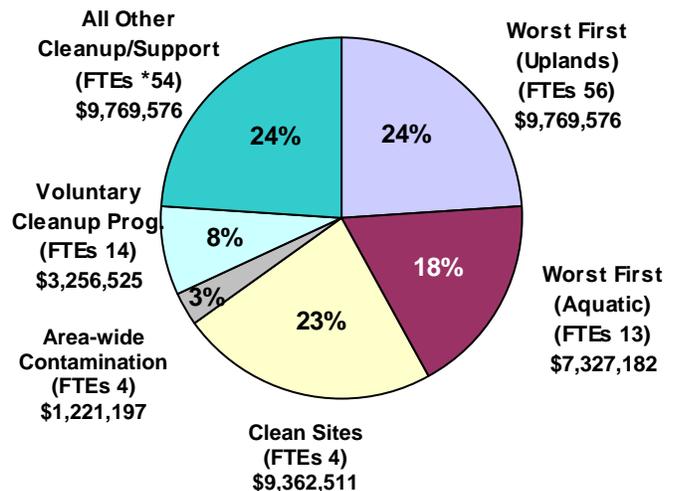
Budget: \$40,706,568; Staffing: 145 FTEs

State	(\$) Amount	Sources	Uses
General Fund State	362,202	Multiple	Sediments Activities.
Federal			
General Fund – Federal	6,847,106	Federal Grants	Grant funds received from EPA and Dept. of Defense for cleanup at National Priorities List sites and federal Superfund sites at military facilities and technical assistance/cleanup related to leaking underground storage tanks.
Dedicated Funds			
State Toxics Control Account	27,389,069	Hazardous-substance tax; recovered remedial actions and penalties collected.	Clean up toxic sites, investigate and rank new toxic sites, prepayment cleanup, technical assistance, site information management, and natural resource damage assessment.
Recovered Leaking Underground Storage Tanks (LUST)	291,057	Recovery of LUST grant and state money spent on remedial actions at LUST sites.	Clean up lower risk sites, investigate and rank new toxic sites, prepayment cleanup, technical assistance, site information management, and natural resource damage assessment.
State Underground Storage Tank Account	2,335,564	Annual tank fees	Pollution prevention, inspection, and permitting activities related to underground storage tanks.
Worker Comm Right to Know	1,505,828	Hazardous Material Manufacturing	Public information compilation and dissemination.
Local Toxics Control Account	1,033,921	Hazardous Substance Tax	Sediments disposal project (MUDS).
Water Quality Permit Account	941,821	Fees on Wastewater Discharge	Sediment source control.

Toxics Program Dollars by Fund Source



Toxics Program Dollars by Activity



*This number includes 14 FTEs for the Underground Storage Tank program which also addresses pollution prevention in the program.

Program Mission

To protect and restore Washington's waters.

Environmental Threats

Across Washington, water pollution threatens the state's lakes, estuaries, and streams. In lakes, excess nutrients accelerate the growth of algae and other aquatic plants and kill fish. In estuaries and streams, the most common problems are:

- Bacteria and nutrients carried by stormwater runoff from roads, rooftops, and parking lots that serve our growing urban population.
- Unhealthy levels of bacteria primarily from urban pets and poor agricultural practices.
- Nutrients and bacteria from poorly designed or neglected septic systems.
- Elevated water temperature caused by removing trees from stream banks, industrial effluents, and municipal water treatment facilities.
- Toxic materials such as metals and pesticides from highway runoff, industrial discharges, agricultural practices, and suburban gardening.



Authorizing Laws

- *Chapter 90.48 RCW, Water Pollution Control Act*
- *Federal Clean Water Act*
- *Federal Safe Drinking Water Act*
- *Chapter 76.09 RCW, Forest Practices Act*

- *Chapter 90.70 RCW, Puget Sound Water Quality Authority*
- *Chapter 70.146 RCW, Water Pollution Control Facilities Financing Act*
- *Chapter 70.105D RCW, Model Toxics Control Act*
- *RCW 43.21A.650, Freshwater Aquatic Weeds Account*
- *Chapter 90.64 RCW, Dairy Waste Management Act*
- *Chapter 90.46 RCW, Reclaimed Water Use (1995)*

Constituents/Interested Parties

The program's watershed approach to managing water quality encourages the wide participation of all interests within a river basin: governments, businesses, special interest groups, and citizens to solve water quality problems and prevent pollution. It provides a structure to coordinate point source and nonpoint-source water quality activities, the delivery of local services, protection and prevention activities, and better management of the state's waters.

The program has two main advisory committees: The Water Quality Partnership, convened in 1994, serves as a standing policy advisory committee, providing assistance on a variety of program elements, including permitting and enforcement, storm water, dairy waste management, water quality standards, groundwater protection, and nonpoint-source pollution control. The partnership includes environmental organizations, industries, small businesses, local, state, and federal governments, and Native American tribes.

The Financial Assistance Advisory Council, composed of conservation districts, cities, counties, tribes, and state and federal agencies, addresses how water quality grants and loans are administered.

Under written agreements, the agency works with several state agencies and local conservation districts on such diverse issues as aquatic weed

WQ

control, shellfish and salmon protection, stormwater runoff, and dairy waste management.

Performance Partnership

The Department of Ecology and Environmental Protection Agency (EPA) have embarked on a fundamentally new approach to our relationship: The Performance Partnership Agreement. Within the confines of federal laws and requirements, the agreement identifies mutual priorities, strategic goals, objectives, and activities that the agencies will jointly undertake each biennium.

Major Activities

Point Source Pollution Prevention and Management

The agency regulates discharges of pollutants to surface and ground waters by writing wastewater discharge permits for sewage treatment plants, storm water, and industrial discharges. A permit is actually a rigorous set of limits, monitoring requirements, or management practices, usually specific to a discharge, which is designed to assure that a facility can meet both treatment and water quality standards. The program conducts inspections and site visits every two years to about 25 percent of more than 4,000 permit holders.

Just in the last 10 years, the total number of permitted facilities has increased by 73 percent, resulting in less pollution in lakes, rivers, and marine waters. Some municipalities are re-using highly treated waste water, results in water conservation and a reduced discharge to surface water.

Technical Assistance for Small Municipalities:

The agency provides on-site technical assistance to permit holders, distributes pollution prevention and best management practices publications, conducts workshops, and holds client group sessions.

Enforcement: During follow-up on permit violations, the Water Quality Program works with permit holders to achieve compliance, using various compliance and enforcement avenues,

depending on the history and severity of the violations.

Stormwater Management

The agency is developing manuals for managing storm water in the distinct environments that exist west and east of the Cascade Mountains. The manuals provide guidance on controlling the quantity and quality of stormwater runoff from development and industrial activities. Following requirements and deadlines of the Clean Water Act, the agency is re-issuing stormwater permits to Washington's largest cities (so-called Phase I jurisdictions) and will develop a Phase II permit program that will require stormwater management programs for areas with populations of 10,000 or more.

Nonpoint-Source Pollution Prevention and Management

Nonpoint-source pollution (polluted runoff) is now the leading cause of water pollution in Washington. It poses a major health and economic threat to people and harms fish, shellfish, drinking water, recreation, and aesthetics. It also contributes to flooding and loss of usable land. Sources include fecal coliform bacteria from poorly managed dairy farms, failing septic systems, and pet waste; elevated water temperature from lack of natural riparian zones; and pesticides from agriculture and gardening activities.

The program's efforts to solve these problems include raising awareness, encouraging community action, providing funding to solve problems, and supporting local decision makers by reviewing Growth Management Act and State Environmental Policy Act (SEPA) documents.

Forest Practices Technical Assistance: The Department of Ecology plays a supportive role with the Department of Natural Resources on water quality issues related to forest management, focusing on watershed analysis, shorelines, water supplies, road management planning, and participation in interdisciplinary team reviews.

Agricultural Technical Assistance: The Agricultural Memorandum of Agreement between the Department of Ecology, the Conservation Commission, and conservation districts around the state allows the agency to refer farmers to conservation districts for technical assistance and farm planning, and allows the agency to enforce water quality laws with uncooperative farmers.

Dairy Waste Management Planning and NPDES Permitting: Under the Dairy Nutrient Management Act of 1998, the agency conducts a registration and inspection program for all dairies holding a milk producer's license. This law requires all dairies to obtain an approved "nutrient management" plan by July 2002 and to fully implement it by the end of 2003. If problems are found as the result of an inspection or a complaint, the dairy may be required to apply for an NPDES (discharge) permit.

Education: Although the agency uses its regulatory power to enforce the laws, it also uses education to raise public awareness of pollution problems and remedies. The agency supports teachers with Magic Apple Grants, sponsors children's Watershed Festivals, and encourages volunteer water monitoring by students and community groups. The program has a strong Internet presence, offering resources, and tools for nonpoint pollution control.

Financial Assistance

The Water Quality Program provides grants and low interest loans, along with technical assistance, to local governments, state agencies, and tribes to enable them to build, upgrade, repair, or replace facilities to improve and protect the quality of surface and underground waters. The agency also helps with nonpoint-source control projects, such as watershed planning, stormwater management, education, and agricultural best management practices.

Grants are targeted to nonpoint-source problems and communities whose needed wastewater facilities projects would cause ratepayers a financial hardship. Local governments also use loans for both point and nonpoint-source water

pollution prevention and correction projects. The agency is committed to coordinating strategic grant and loan assistance with other state and federal funding agencies.

Total Maximum Daily Loads (TMDLs) - Water Cleanup Plans

The federal Clean Water Act requires the agency to identify water bodies that fail to meet water quality standards and to prepare water cleanup plans or TMDLs, to improve their health. Through a public process, the agency works with local interests to reduce water pollution in water body that is on the 303(d) list of polluted waters. The agency will then propose and establish conditions in discharge permits and nonpoint-source management plans to reduce pollution, and a monitoring plan to evaluate the effectiveness of the cleanup plan.

From selected waters around the state, the agency collects data and evaluates conditions related to pollution and attainment of water quality standards. This includes assessing how well waters are supporting the uses that the public expects. The agency provides the data to local governments and other decision makers.

Results of assessments are published in two reports: Water Quality Assessment (305b Report) and a report listing waters that fail to meet water quality standards (303d list). The Water Quality Assessment is the most comprehensive report on the state of Washington's waters. The 303d list is a strong regulatory tool, which results in developing cleanup plans (TMDLs) to correct pollution problems where they exist.

Major Issues

Endangered Species Act

The agency is developing plans to protect and restore healthy fish populations and habitat while maintaining a healthy economy. The agency is participating in a federal initiative on programmatic approaches to meet the requirements of the Endangered Species Act and the Clean Water Act. It is hoped that a national memorandum of understanding among affected

agencies can better define roles and expected outcomes.

revising several water quality indicators (such as temperature) used to protect Washington's water.

Nonpoint-Source Water Pollution

With the assistance of a broad range of agencies, tribes, local governments, and interest groups, the agency recently drafted a nonpoint-source management plan for the state. The plan includes a critical analysis of Washington's efforts to address nonpoint pollution, identifies actions needed to improve the effectiveness of existing programs, and introduces some new approaches.

One such new approach is the new general permits for aquatic pesticide use that the agency will begin writing in spring 2002. Aquatic pesticides are used for controlling mosquitoes, aquatic weeds and algae, exotic fish, burrowing shrimp in oyster beds, and excessive nutrients in lakes. New permits will now require closer evaluation of the effects of these chemicals on the water quality.

Federal Energy Regulatory Commission Dam Licensing

Several significant hydropower producing dams have licenses that are expiring. As dams are relicensed, the agency is responsible for certifying that the dams will meet water quality standards under section 401 of the Clean Water Act.

Stormwater

Stormwater has emerged as a significant contributor to water pollution in Washington. The agency will be working to build a common sense storm water program for the urbanizing cities and counties to address the problems associated with stormwater. We will also be revising permits for the largest municipalities and providing technical assistance to all municipalities on techniques to address stormwater problems.

Water Quality Standards

Through continuing work with representative advisory panels and technical work groups, the agency is proposing three significant changes to the existing water quality standards. These include modifying the anti-degradation process, assigning protected uses for a water body, and

Water Quality Program Budget

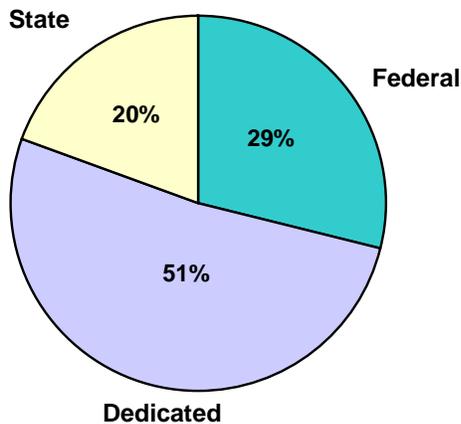
Budget: \$43,331,681; Staffing: 208 FTEs

State	(\$ Amount)	Sources	Uses
General Fund - State	8,475,428	Multiple	Point-source enforcement of permit requirements. Also, Puget Sound Plan activities for shellfish protection; nonpoint-source watershed management; and stormwater control, and operator certification program, forest practices compliance, water cleanup plans, wastewater re-use, aquatic plant management EIS, compliance with water quality laws related to nonpoint-source pollution.
Federal			
General Fund - Federal	12,528,212	Federal grants	Numerous EPA grants for point and nonpoint-source control; planning and implementation grants to local governments; groundwater protection; and administrative moneys for pass-through funds.
Dedicated Funds			
General Fund-Private/Local	29,274	Agreements with local governments.	Miscellaneous, water cleanup plans.
Water Quality Account	2,517,716	Excise taxes on cigarettes and other tobacco products; sales tax transfer; loan repayments, interest payments; and state general fund transfer	Grant and loan management; technical assistance to local governments for wastewater treatment facilities and nonpoint-source projects.
State Toxics Control	2,018,882	Hazardous substance tax, recovered remedial actions and penalties collected	Cooperative effort with Oregon and EPA to enhance the health of the lower Columbia River through the National Estuary Program. The Aquatic Plant Management Program assesses human health and environmental risk associated with various aquatic pesticides. Also, work with agricultural community to reduce pesticide and other contamination.
Water Quality Permit Account	14,215,369	Fees assessed on the holders of wastewater discharge permits	Issue and manage federal and state wastewater-discharge permits.
Freshwater Aquatic Weeds	1,654,845	Fees on boat trailers	Grants to local governments to prevent, remove, or manage invasive freshwater aquatic weeds.
Metals Mining	5,000	Fees collected from active metals mining and milling operations	Inspections required by Metals Mining Act.
Water Pollution Control Revolving Fund	1,886,955	EPA grant and state match	Administer a loan program for constructing or replacing water pollution control facilities. Activities include portfolio management and technical assistance to local governments for point, nonpoint, and estuary projects.
Capital Budget Funding: \$319,139,304			
Referendum 26	398,083 <i>reappropriation</i>	Sale of Bonds, loan repayments, and interest payments	Grants/loans for the construction or improvement of public waste disposal facilities.

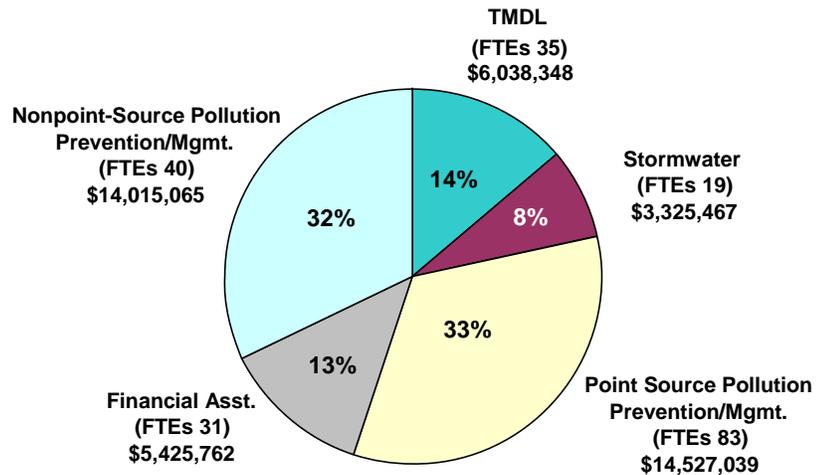
WQ

Referendum 39	500,000 <i>reappropriation</i>	Sale of Bonds; loan repayment and interest payments	Grants/loans for the construction or improvement of public waste disposal facilities.
Water Quality Account	77,318,809 (\$27,318,809 <i>reappropriation and \$50,000,000 new</i>)	Excise tax on cigarettes and tobacco products; sales tax transfer; loan repayments and interest payments	Grants/loans for water pollution control facilities, nonpoint-source control, and water quality improvement planning and implementation activities.
Public Works Assistance Account	5,528,903 <i>reappropriation</i>	Real estate excise taxes, loan repayments and interest payments	Grants for water pollution control facilities, nonpoint-source control, and water quality improvement planning and implementation activities for communities with populations less than 5,000.
State Revolving Loan Fund	235,393,509 (\$76,280,707 <i>reappropriation and 159,112,802 new</i>)	Federal, capitalization grants, loan repayments, interest repayments, and state match	Loans for constructing or replacing water pollution control facilities, nonpoint-source control activities, and estuary management.

Water Quality Program Dollars by Fund Source



Water Quality Program Dollars by Activity



Program Mission

Manage water resources to meet the current and future needs of the natural environment and Washington's communities.

Environmental Threats

Washington residents historically have had an abundance of clean and cheap water, in what has traditionally been viewed as a water rich state. This has changed. Washington increasingly lacks water where and when it is needed for communities and the natural environment. The state has been experiencing unprecedented population growth and a booming economy, which have fueled a growing demand for water.

Until recently, the quiet but growing issue of adequate water resources remained widely unrecognized except by a circle of interests who traditionally follow water issues closely. A number of factors have combined to increase public awareness about water availability and to make the issue one of importance to state leaders:

- Growing communities and the increased competition for water.
- Drought -- with dry streams, withered crops, dead fish, wildfires, and reduced hydropower.
- A crisis in the agricultural economy further strained by limits in water supply.
- Federal Endangered Species Act fish listings.
- Limited tools and funding to manage water.
- Costly delays and uncertainty for water rights applicants.
- Increased water litigation.
- Concern about longer term effect of climate change on water availability.

After years of gridlock, these factors and earlier

efforts set the stage for agreement on a multi-year process to develop a state water strategy. This resulted in enactment of HB 1832 and funding to address some long-standing water issues during the 2001 legislative session.

Authorizing Laws

Water use and water resources management are regulated by a complex web of statutory law (passed as legislation) and case law (made by courts). These laws include:

- *English Common Law: While still a territory, Washington adopted the English riparian doctrine of water law, whereby lands that abut a watercourse have the right to the reasonable use of the waters, and in times of shortage, all riparian users must reduce their use.*
- *Chapter 90.03 RCW, Water Code*
- *Chapter 90.44 RCW, Regulation of Public Ground Waters*
- *Chapter 18.104 RCW, Water Well Construction Act*
- *Chapter 90.14 RCW, Water Rights Registration*
- *Chapter 90.22 RCW, Minimum Water Flows*
- *Chapter 90.54 RCW, Water Resources Act*
- *Chapters 90.38 RCW and 90.42 RCW Trust Water Rights Program*
- *Chapter 90.80 RCW, Water Conservancy Boards*
- *Chapter 90.82 RCW, Watershed Planning*
- *HB 1832 - Year 1 Water Law Reform of 2001 (Chapter 237, Washington Laws 2001)*

Constituents/Interested Parties

- *Agricultural Groups*
- *Business and Industry*



- *Environmental Organizations*
- *State and Federal Agencies*
- *Indian Tribes*
- *Local Governments: Cities, Counties, Utilities, Irrigation Districts*
- *Local Watershed Planning Groups*
- *People Near Dams and Owners of Dams*
- *Real Estate Developers*
- *Recreational Water Users*
- *Sport and Commercial Fisheries*
- *Water and Power Utilities*
- *Water-right Holders*
- *Well Drillers*

Major Activities

Administer Water Rights

The agency is responsible for making decisions on applications for new water rights and changes and transfers to existing water rights. The 2001 legislature adopted HB 1832, which allows the agency to provide priority to processing water right changes and provided a budget increase that more than doubled the number of staff dedicated to processing water rights. The agency's top operational priority for water resources is to eliminate the existing backlog of nearly 2,000 water right change and transfer applications by 2005, as well as make substantial progress on additional change and transfer applications that come in during the period. Implementation actions include the following:

- Hiring, training, and deploying staff regionally in proportion to the change application backlog.
- Assist local water conservancy boards in making decisions.
- Making decisions on water rights in a watershed or sub-basins where there is sufficient information to make decisions.

Local Watershed Management

The Water Resources Program works with local watershed planning groups, other programs within the agency, other state agencies, and tribes to address water issues under the Watershed Management Act. Activities include:

- Providing technical support to local watershed planning groups to develop new or amended stream flows.
- Providing basic watershed planning support services, including hydrology, water law, water right processing, and data.

Restoring and Maintaining Stream Flows

The agency has responsibility for restoring and maintaining stream flows. The passage of HB 1832, along with additional funding, allows the program to improve its capacity in this area.

Activities include:

- Conducting technical studies and adopting stream flow rules in fish critical basins not engaged in watershed planning.
- Acquiring water to maintain and restore stream flows in fish critical basins through donations, leases, and purchases of trust water rights.

Water Rights Compliance

The agency has responsibility to ensure compliance with water rights. Activities include:

- Metering 80 percent of water use (by volume) in fish critical basins – the agency's top compliance priority, per court order.
- Strategically enforcing in egregious cases, for ESA needs, and high water use sectors.

Conservation and Re-use of Agricultural and Municipal Water Supplies

The agency supports conserving and re-using water supplies, including:

- Promoting water right transfers and changes to make better use of existing water supplies and reducing pressure on new sources.
- Providing project specific technical assistance.

Adjudication

The agency is responsible for initiating and supporting the adjudication of water rights. Adjudication is a judicial determination of existing water rights and water right claims, including federal, tribal, and non-tribal claims, to determine their validity and scope. Activities include:

- Supporting the Yakima River Basin adjudication. At the current level of effort, it

is anticipated that the adjudication will be 90 percent complete in the year 2003.

- Present information regarding adjudication to watershed planning groups.

Well Construction Regulation

The agency carries out its well drilling responsibilities by:

- Licensing and regulating well drillers, investigating complaints, approving variances, and providing continuing education to well drillers.
- Administering the program in partnership with delegated counties and providing technical assistance to homeowners, well drillers, tribes, and local governments.

Dam Safety

The agency staff oversees the safety of the state's dams by:

- Inspecting more than 300 existing dams situated above populated areas, focusing primarily on structural integrity and flood and earthquake safety.
- Conducting engineering reviews, approvals, and inspections of new construction and repair of existing dams and taking regulatory, enforcement, or emergency actions.

Drought Response

The agency provides services to mitigate the effects of droughts and to prepare for future drought by:

- Providing information, financial assistance, and coordinating drought response efforts.
- Providing water via emergency transfers, changes, and temporary wells.

Support Activities

Two functions provide the support necessary to carry out the major Water Resources Program activities:

- Data management, communication, and outreach services. This includes the development of a new water rights data system.
- Policy and planning support, including consultation, analysis, and implementation tools (manuals, procedures, and rules).

Major Issues

Washington Water Strategy - Issues Addressed in 2001 Legislative Session

Agreement on a multi-year process to develop a state water strategy and the results of the 2001 legislative session signaled the potential for overcoming an era of water gridlock. Issues addressed during the session include the following:

Water Rights Application Backlog: Changes to water law authorizing “two-line” processing of water rights and additional funding substantially increases the agency’s capacity to process water right changes and transfers. This is a crucial step forward in addressing the backlog of water right applications and making better use of existing water supplies. New provisions also will allow water conservancy boards to process all types of water right transfers and changes.

Inflexibility in Family Farm Water Permits: New provisions allow family farm water permits located in urban growth areas or within city limits to be converted to uses other than family farms such as: industrial, housing, and fish habitat. It also expands the family farm definition from 2,000 to 6,000 acres.

Declining Fish Populations and Endangered Species Act: Additional authorization and funding will enable the agency to work with watershed groups and in others in fish critical areas to establish stream flows. Funding was also provided to put water back into streams via trust water rights (purchases, leases, donations). Laws on trust water rights were changed to help in converting water rights to trust water.

Other issues addressed during the session include: tax incentives for water conservation and re-use, allowing food processing plants to reclaim water, and adding exceptions to the relinquishment law (“use it or lose it”).



***Water Strategy - Issues to Be Addressed in 2002
Legislative Session***

The following issues are expected to be addressed during the 2002 legislative session to continue progress on the multi-year water strategy:

Stream flows: Taking steps to achieve stream flows so water is available for communities, industries, power production, farmers, and fish.

Relinquishment of Water Rights: Designing further changes to the water rights relinquishment law that will allow water users to retain some of the water they conserve.

Growing Communities (municipal water): Making changes to water law that allow public water systems to grow into their water rights with certainty, move unused rights to meet the needs of growth and fish, and make use of interties to serve new growth and restore fish.

Storage and Infrastructure: Creating a water storage and infrastructure funding program for balanced and sustainable water management.

Water Resources Budget

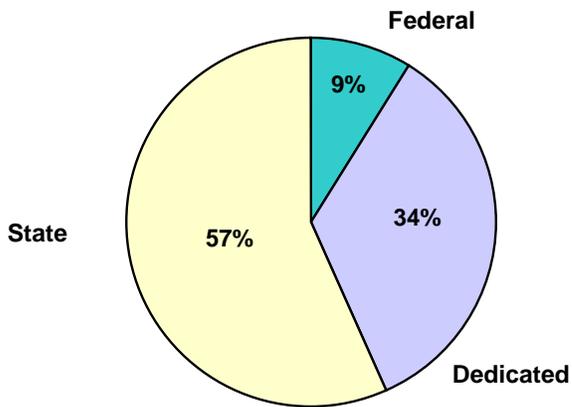
Budget: \$35,614,936; Staffing: 151 FTEs

State	(\$ Amount)	Sources	Uses
General Fund – State	20,207,755	Multiple	Water rights decision making, county water conservancy board assistance, conservation/reuse assistance, watershed assistance, compliance, data management, public information, dam safety, and Yakima adjudication.
Federal			
General Fund – Federal	3,134,939	Federal grants	Dam safety inspections, Yakima Enhancement liaison, and Methow Valley Irrigation District rehabilitation.
Dedicated Funds			
Reclamation Revolving Acct	1,624,963	Well construction fees; well operators’ licenses, and hydropower fees	Administration of the well driller’s licensing program; including grants to local governments and a 50/50 revenue share for counties that have delegated well construction management authority. Contract with the US Geological Survey for stream gauging.
Emergency Water Projects	784,231	Previous bond sales; loan repayment and interest payments; transfer from general fund – state	Drought relief activities, primarily permit staffing for Ecology. Grants to other state agencies for drought relief activities.
Referendum 38 (Agricultural Water Supply Bond Funds)	490,904	Bond sales; loan repayments and interest payments	Staff support for grants and loans for the improvement and/or construction of agricultural water supply facilities. Technical assistance to irrigation districts. Operation and maintenance of Zosel Dam (Lake Osoyoos in Okanogan County).
Basic Data	310,000	Contributions from private & local entities	Pass through to the US Geological Survey for stream gauging data collection.
Drought Preparedness	4,690,161	Previous bond sales, loan repayments and interest payments	Drought relief and projects and activities to prepare the state for future droughts. Environmental Impact Statement for the proposed Pine Hollow Reservoir (Yakima County).
Water Quality Account	4,371,983	Excise tax on tobacco products	Process water right applications for change, provide technical assistance to watershed planning units, establish instream flows in non-watershed planning basins, update water rights data systems.
Capital Budget Funding - \$37,012,689			
General Fund - Federal	6,000,000	Grants from Bonneville Power Admin. or National Marine Fisheries Svc.	Purchase or lease water rights from current users to improve stream flows in critical fish streams. (Subject to the federal funds actually being made available.)
State Building Construction Account	87,689 1,000,000 new appropriation	Sale of Bonds	Methow Basin Water Conservation. Purchase water rights to improve stream flows in fish critical basins.
State and Local Improvements Revolving Account (Ref. 38)	10,000,000 new appropriation 6,000,000 reappropriation	Sale of Bonds; loan repayment and interest payments	Grants/loans for agricultural water supply facilities (\$11,750,000). Grants for farm water use efficiency improvements (\$4,000,000). Storage study for Lake Wenatchee (\$250,000).

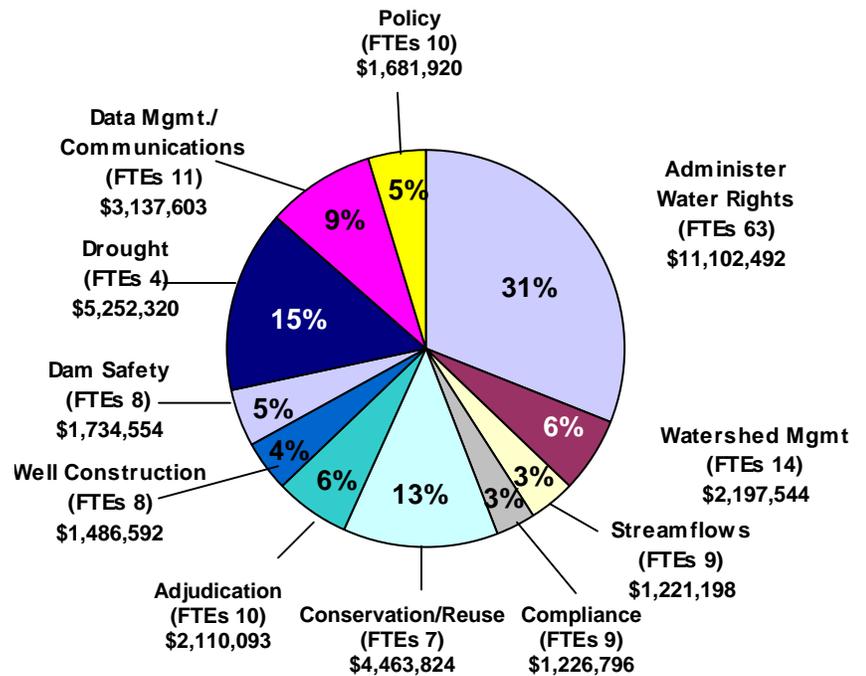
WR

State Drought Preparedness Account	5,525,000 reappropriation	Previous bond sales, loan repayments and interest payments	Grants/loans for drought related agricultural and municipal water supply facilities projects. Purchase and lease of water rights to improve stream flows in fish critical streams (\$2,500,000)
Water Quality Account	5,000,000	Excise tax on tobacco products	Grants for farm water use efficiency improvements (\$4,000,000). Drought mitigation projects in the Yakima basin (\$1,000,000)

**Water Resource Program
Dollars by Fund Source**



**Water Resources Program
Dollars by Activity**



Contacts:

Bill Alkire, Intergovernmental Relations, (360) 407-7003
Nancy Stevenson, Chief Financial Officer, (360) 407-7005
Sheryl Hutchison, Communication and Education, (360) 407-7004
Carol Fleskes, Administrative Services, (360) 407-7012
Joy St. Germain, Employee Services, (360) 407-6218

Program Mission

The primary purpose of these internal support services is to direct and sustain the agency's effort to accomplish its mission: to protect, preserve, and enhance Washington's environment, and promote the wise management of the people's air, land, and water for the benefit of current and future generations.

Environmental Threat

Agency Administration assists the agency's environmental activities in many ways. These include providing information to citizens about environmental threats, fostering a working relationship with members of the Legislature, managing financial systems and issues, providing personnel services, and providing high-quality information services as well as a number of other important administrative functions.

Authorizing Laws

Chapter 43.21A RCW, Department of Ecology:
In 1970, this law created the Department of Ecology to consolidate water, air, solid waste, and other environmental management protection and development programs authorized by the Legislature.

Constituents and Interested Parties

The primary constituents of the Administration Program are internal management and staff. However, issues that affect other government agencies or private interests often require working closely with the full range of parties interested in environmental issues.

Major Activities

Office of Communication and Education

This office provides advice and guidance to

management and staff on effective communication, education, and public-involvement strategies related to environmental issues. The office also responds to media and public inquiries, and helps programs design education and outreach plans, tools, materials, and activities.

Governmental Relations

The Governmental Relations Office provides leadership, policy support, and coordination for federal and state legislative issues, as well as issues that affect local governments, tribes, and British Columbia. This office houses the Rules Unit, which provides rule development assistance and coordination, along with economic analysis, including Small Business Economic Impact Statements and cost/benefit studies.

Employee Services

The Employee Services Office provides a full scope of human resources support, including safety, equal employment opportunity, training and development. Employee Services is responsible for ensuring that appointments, recruitment, classification and pay, corrective/disciplinary actions, reduction-in-force actions, complaints and grievances are in compliance with federal and state employment laws, merit system rules, and agency policy. The office develops and monitors the agency's Affirmative Action Plan and coordinates diversity activities for the agency, including helping to create a supportive work environment that reflects the diversity of the community Ecology serves.

Regional and Field Offices

Each of Ecology's four regional offices (Lacey, Yakima, Spokane, Bellevue) and two field offices (Bellingham, Vancouver) has executive management representatives and provides core

administrative support to regional office staff in the areas of reception, mail, records management, complaint tracking, and central library functions. The staff in these offices provide information and assistance to local communities as well as cross-program coordination and management for large, multiple-program environmental reviews and permitting projects. *(Note: Although these offices are budgeted in Agency Administration, their work is most often connected closely with environmental priorities.)*

Executive, Financial, and Administrative Services

From the Executive Offices comes direction and leadership for the agency. Financial Services provides centralized financial support in the areas of accounting, budget, contracts, purchasing, and inventory. The office also manages and coordinates strategic planning for the agency, coordinates performance measurement, and develops environmental indicators. The Administrative Services Office includes information management (desktop and network services, application development, and data administration) and facility and vehicle management. The office maintains the agency's centralized records, responds to public-records requests, provides mail services, and manages extensive library resources at headquarters and in regions in the form of books, periodicals, and research. Security services and maintenance of facilities and property are also handled by this office.

Agency administration is supported by each fund source available to the Department of Ecology. Each fund contributes to the Administrative Program in the same percentage that each fund contributes to the total of the environmental program's salaries and benefits.

Major Issues

Information Management/Communication

- Develop Internet applications that will allow customers to do more business with the Department of Ecology on-line.

- Use the Internet more effectively to engage the public in commenting on and shaping policy proposals, and to streamline paperwork, and reports for those we regulate.
- Help improve information availability and accessibility so citizens can evaluate the state of their environment and consider ways to make a meaningful contribution toward protecting and improving it.

Human Resource Management

- Maintain adequate staffing to meet workload needs.
- Develop and implement strategies that match the right number of people with the right set of competencies in the right jobs at the right time.

Infrastructure Improvements

- Renovate the Ecology owned facilities at Padilla Bay and Spokane to preserve the existing public investments and to make the structures are more efficient and accessible.
- Link performance measures to the agency's environmental goals, priorities, and program plans to provide increased understandability and accountability to the agency's priorities and accomplishments.

External Relationships

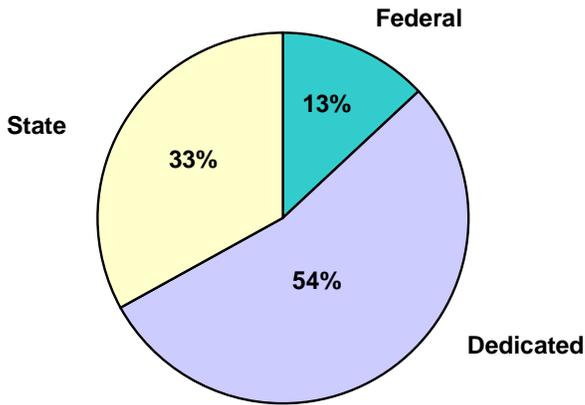
- Provide support to the Governor and the Legislature in re-examining and modernizing water policies.
- Develop and maintain working relationships with external interests, including members of the Legislature, interested parties, and other governmental agencies and tribal governments.

Agency Administration Budget

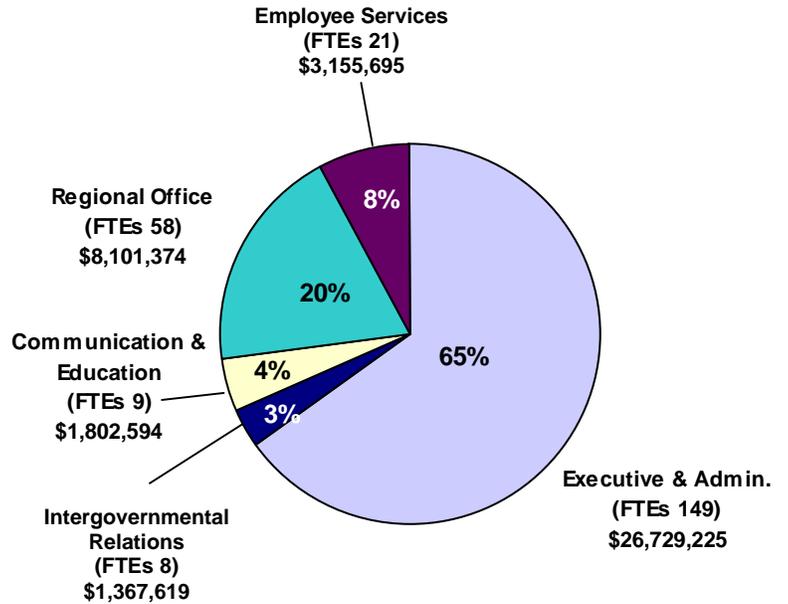
Budget \$41,156,507; Staffing: FTEs 245

State	(\$) Amount	Percentage
General Fund – State	13,652,194	33.2%
Federal		
General Fund – Federal	5,368,948	13.0%
Dedicated Funds		
Waste Red/Litter Control	1,271,937	3.1%
Water Quality Account	1,105,778	2.7%
Work/Community Right to Know	562,629	1.4%
State Toxics Control Account	9,094,041	22.1%
Local Toxics Control Account	667,757	1.6%
Water Quality Permit Account	4,299,128	10.5%
Hazardous Waste Assistance	824,276	2.0%
Oil Spill Prevention Account	1,103,986	2.7%
Air Operating Permit	565,077	1.4%
Water Pollution Control – Federal	780,070	1.9%
Other Dedicated Funds	1,860,686	4.4%

Agency Administration Dollars by Fund Source



Agency Administration Dollars by Activity



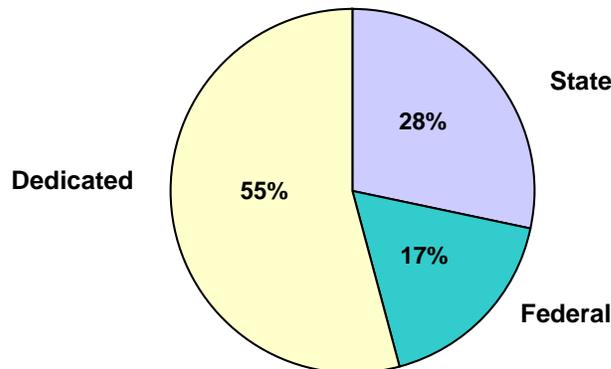
ADMIN

Ecology Operating Budget by Fund Source

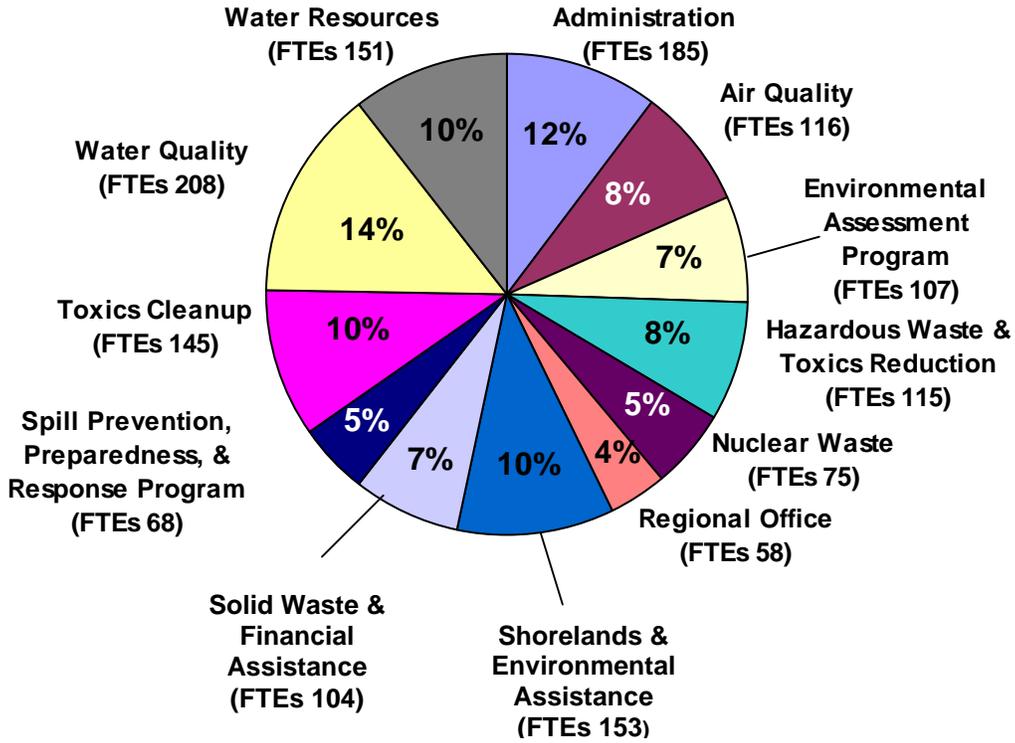
Budget: \$331,062,355 Staff FTEs: 1485

State	(\$ Amount)	Percentage
General Fund – State	92,791,249	28.4%
Federal		
General Fund – Federal	57,332,254	17.4%
Dedicated Funds		
General Fund – Private/Local	4,364,990	1.3%
Grass Seed Burning Research	14,000	0%
Reclamation Revolving	1,832,775	0.6%
Flood Control Assistance	4,112,841	1.2%
Emergency Water Projects Revolving	888,843	0.3%
Waste Reduction/Litter Control	13,695,992	4.1%
State Drought Preparedness Account	5,325,000	1.6%
Referendum 38	598,860	0.2%
Basic Data – Non Appropriation	310,000	0.1%
Water Quality Account	12,670,971	3.8%
Wood Stove Education/Enforcement	355,472	0.1%
Worker/Community Right to Know	3,344,267	1.0%
State Toxics Control – State	70,047,456	21.0%
State Toxics Control – Private/Local	355,518	0.1%
Local Toxics Control	4,813,519	1.4%
Water Quality Permit Account	24,311,322	7.3%
Underground Storage Tank	2,720,723	0.8%
Environmental Excellence Account	504,000	0.2%
Biosolids Permit Account	601,754	0.2%
Hazardous Waste Assistance	4,379,169	1.3%
Air Pollution Control	1,066,000	0.3%
Oil Spill Prevention	8,068,201	2.4%
Air Operating Permit	3,659,562	1.1%
Freshwater Aquatic Weeds	1,904,689	0.6%
Oil Spill Response	7,078,000	2.1%
Metals Mining	5,000	0%
Coastal Protection	1,084,000	0.3%
Water Pollution Ctrl. Revolving –	474,076	0.7%
Water Pollution Ctrl. Revolving –	2,351,852	0.7%

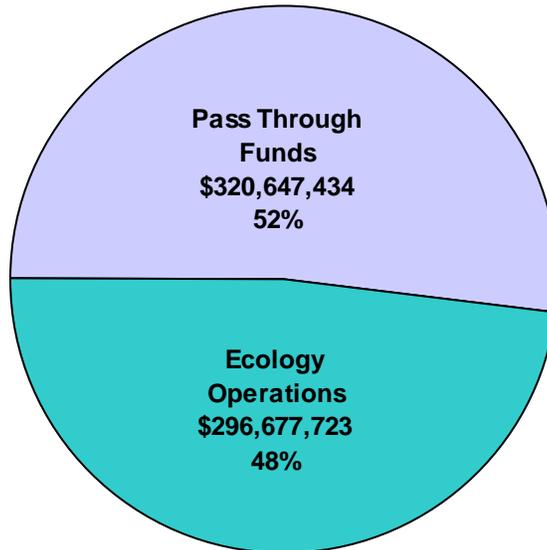
Total Ecology Operating Budget by Fund Source



Ecology FTEs by Program



Ecology Pass-Through Funding to Local Governments and Communities



AGENCY

