

**OH NO!**

**WHAT DO WE DO NOW**

WHAT DO YOU DO WHEN YOU  
DISCOVER THAT YOU'VE NOT  
BEEN DOING SOMETHING THAT  
YOU ARE REQUIRED TO DO?

THE STORY OF RCW 70.150 *WATER*  
*QUALITY JOINT DEVELOPMENT*  
*ACT* (1986)

RCW 70.150.010 ....It is the intent of the legislature that public bodies be authorized to provide service from water pollution control facilities by means of service agreements with public or private parties as provided in this chapter. (1986)

RCW 70.150.040 The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to perform one or more of the following services: **Design, finance, construct, own, operate, or maintain** water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

# WATER POLLUTION CONTROL FACILITIES

(1) "**Water pollution control facilities**" or "facilities" means any facilities, systems, or subsystems owned or operated by a public body, or owned or operated by any person or entity for the purpose of providing service to a public body, for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to **sanitary sewage, storm water, residential wastes, commercial wastes, industrial wastes, and agricultural wastes**, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities do not include dams or water supply systems.

RCW 70.150.040(9) Before any service agreement is entered into by the public body, it shall be reviewed by the department of ecology to ensure consistency with the purposes of chapters [90.46](#) (*RECLAIMED WATER USE*) and [90.48](#) (*WATER POLLUTION CONTROL*) RCW.

The department of ecology has thirty days from receipt of the proposed service agreement to complete its review and provide the public body with comments. A review under this section is not intended to replace any additional permitting or regulatory reviews and approvals that may be required under other applicable laws.

# OUR OPTIONS

- CONTINUE TO IGNORE IT
- SELECTIVE IMPLEMENTATION
- FIX IT - SUPPORT LEGISLATION?
- PERMIT CONDITION – NOT RETROACTIVE