

Tuesday, March 30, 2010

## IN OUR VIEW / FUNDING CLEAN WATER PROJECTS

### Take the time to do it right

As Senate and House negotiators enter the third week of their special-session stare-down, it's time to pare the to-do list.

We'd start by dropping one of the more contentious and flawed items: increasing the tax on hazardous substances, an idea embraced by environmentalists, cities and counties to clean up stormwater pollution. For now, it's irreparably mired in political and legal muck. Most recently, independent gas-station owners sued last week to overturn the voter-approved law that created the tax.

A cooling-off period might help. Legislative leaders should drop the issue for this session, and encourage stakeholders to sit down over the coming months and hammer out an agreement that lawmakers can consider next year.

All have legitimate points that deserve to be aired in a calmer atmosphere. A backstage political tug-of-war in the waning days of a special session does not make for thoughtful, long-term policy.

New federal regulations are behind the tax-hike idea. Cities and counties are being required to fund projects that will clean up polluted runoff from roads and gutters that goes into streams, lakes and Puget Sound. The hazardous substances tax applies to petroleum products as well as pesticides and other chemicals. Oil refiners pay about 84 percent of the existing tax, which gets passed along to gas-station owners and gas distributors.

That makes it a fuel tax, the gas-station owners argue in their lawsuit. The state Constitution's 18th Amendment requires fuel taxes be dedicated to roads and ferries. The courts will decide that question unless a deal can be reached — an incentive for all sides to talk.

Without a doubt, petroleum projects contribute mightily to stormwater pollution, and the industry must pay its fair share. But the industry has a valid objection: Revenues from the current tax aren't going to projects as voters intended in 1988. The Legislature has been diverting that money to balance the state budget — to the tune of \$180 million last year.

Some proposals to increase the tax would send even more of its revenue into the general fund. A serious discussion about funding clean-water projects should start with a simple premise: the idea is to actually fund them, not to provide cash for other programs when revenue is tight.

Clean water is clearly in everyone's interest. The new federal requirements must be met. They'll require more money, and local municipalities don't have it. The state must help, and soon.

As a solution, though, the current effort has gotten too far off track.