
**Agriculture & Natural Resources
Committee**

HB 2222

Brief Description: Concerning construction and industrial storm water general permits.

Sponsors: Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler.

Brief Summary of Bill

- Requires the Department of Ecology to use a portion of the fees collected for construction and industrial storm water general permits to develop a uniform inspection program and a technical assistance program.
- Prohibits adaptive management indicators to be used as either substitutes or surrogates for state water quality standards or as an indicator that a discharge is causing or contributing to a violation of a water quality standard.
- Requires the Department of Ecology to modify the industrial storm water general permit to require compliance by May 1, 2010.

Hearing Date: 2/19/09

Staff: Jaclyn Ford (786-7339)

Background:

The federal Clean Water Act (CWA) establishes the National Pollution Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface waters.

Washington's Department of Ecology (DOE) has been delegated authority by the United States Environmental Protection Agency (EPA) to administer the NPDES permits.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In the NPDES permit programs, the DOE issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers). These permits include limits on the quantity and concentrations of contaminants that may be discharged. These permits also may require wastewater treatment or impose operating or other conditions.

Summary of Bill:

Adaptive Management Indicators.

Adaptive management indicators including numeric or narrative benchmarks may not be used as substitutes or surrogates for state water quality standards or as an indicator that a discharge is causing or contributing to a violation of a water quality standard. Permittees have the option of conducting a probabilistic assessment of the need to implement additional storm water controls using models approved by the DOE.

Compliance Requirement Date.

The DOE must modify the industrial storm water general permit to require compliance by May 1, 2010, with appropriately derived water quality-based effluent limitations for existing discharges to water bodies listed as impaired under the federal CWA.

Requirements for the Department of Ecology.

The DOE must not condition industrial and construction storm water general permits to require compliance with numeric effluent discharge limits when:

- the discharges covered under the construction or industrial storm water general permits have a reasonable potential to cause or contribute to the violation of state water quality standards; and
- effluent limitations based on non-numeric best management practices are not effective in achieving compliance with state water quality standards.

Inspections.

When the DOE is conducting a follow-up inspection, the inspection must be conducted within 60 days of the previous inspection.

Permittees may also request the DOE to conduct an inspection. The DOE must respond to the request within 30 days.

Expiration of Provision.

The adaptive management indicators, compliance requirement date, requirements for the DOE, and the inspections sections described above expire January 1, 2015.

Permit Fees.

- The DOE must use a portion of the permit fees collected for construction and industrial storm water general permits to:
 - develop a uniform inspection program for industrial and construction general storm water permits. The program must provide for training of DOE inspectors to ensure uniformity in inspections across the state and equity in implementation. The DOE must review and report on the current inspection program performance and identify ways to increase

efficiency and reduce costs, including improved timely feedback to permittees and improved oversight of the regional programs within the DOE.

- develop a technical assistance program for permittees for the industrial and construction storm water permits. The program must include specific guidance to assist permittees in permit compliance. The DOE must review and report on the current technical assistance program and identify ways to increase effectiveness and efficiency. The DOE must encourage permittees to help fund and support the program with in-kind services.

The DOE must develop the uniform inspection program and the technical assistance program in consultation with an advisory committee composed at least half with impacted permittees. These programs must be implemented no later than May 2010.

Appropriation: None.

Fiscal Note: Requested on 2/13/09.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.