
**Agriculture & Natural Resources
Committee**

SSB 6036

Brief Description: Concerning water cleanup planning and implementation.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Ranker and Shin).

Brief Summary of Substitute Bill

- Requires compliance schedules for discharge permits that implement a total maximum daily load.
- Requires the compliance schedule to be met within 10 years, unless certain criteria are met.

Hearing Date: 3/13/09

Staff: Jaclyn Ford (786-7339)

Background:

The federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and eliminate pollutant discharges into navigable waters. The CWA sets effluent limitations for discharges of pollutants to navigable waters. "Pollutant" is defined to include a variety of materials that may be discharged into water through human activities, construction or industrial processes, or other methods.

Washington law requires all pollution dischargers to use all known, available, and reasonable methods of wastewater treatment before discharge to prevent pollution. The Department of Ecology (DOE) is the delegated federal CWA authority by the U.S. Environmental Protection Agency (EPA). The DOE also is the agency authorized by state law to implement state water quality programs.

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.

The CWA requires states to periodically assess the water quality of their water bodies in both general and specific ways. First, Section 305(b) of the federal CWA requires states to prepare a statewide assessment every two years of the health of the state's water bodies (the "305(b) report"). Second, Section 303(d) of the federal CWA requires states to prepare a list every two years of the specific water bodies (or segments) that do not meet the state water quality standards (the "303(d) list"). The DOE's policy for assessing whether water bodies are impaired for purposes of the 303(d) list includes criteria for data submitted by interested parties, quality assurance requirements, and other assessment considerations.

The DOE must develop water cleanup plans for all water bodies included on the 303(d) list. These plans, known as "total maximum daily loads" (TMDL) are developed to address the pollutants in the impaired water body that do not meet state water quality standards and to restore water quality to the impaired water body. A TMDL includes a technical assessment of the impaired water body, an analysis of the amount that pollution needs to be reduced to meet water quality standards, an implementation plan to control pollution from various sources, and a monitoring plan to assess effectiveness.

Summary of Bill:

The DOE must require compliance schedules for discharge permits that implement a TMDL.

The compliance schedule must be met within 10 years. However, an entity may be allowed an extended compliance schedule if it has made significant investments in advanced technology and has substantially reduced pollutant loading. When deciding whether to extend the compliance schedule, the DOE must consider the nature, magnitude, and cost of point and nonpoint pollution controls. Compliance schedules longer than 10 years may only be authorized for an additional five years at a time, and the total length of any compliance schedule may not exceed 20 years.

Compliance schedules can not exceed 10 years if a TMDL involves only point sources.

Compliance schedules for nonpoint sources may exceed 20 years only if: (1) corrective actions have been fully implemented during the first 10 years; and (2) significant riparian restoration cannot be completed within 20 years and riparian restoration is required to achieve compliance.

If the EPA rejects this act, the DOE must work with the EPA to develop an approved program consistent with the provisions of this act.

Appropriation: None.

Fiscal Note: Available.

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