

# HOUSE BILL REPORT

## SSB 6036

---

**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to water cleanup planning and implementation.

**Brief Description:** Concerning water cleanup planning and implementation.

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

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/13/09, 3/26/09 [DPA].

**Brief Summary of Substitute Bill  
(As Amended by House)**

- Requires the Department of Ecology to amend the state water quality standards to authorize compliance schedules longer than 10 years.
- Creates criteria for compliance schedules longer than 10 years.

---

### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot, Kretz, Liias, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

**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

---

*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.*

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 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.

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 CWA requires states to prepare a statewide assessment every two years of the health of the state's water bodies, known as the "305(b) report." Second, Section 303(d) of the 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, known as 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 that 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 Amended Bill:**

The DOE must amend the state water quality standards to authorize compliance schedules longer than 10 years for discharge permits that implement allocations contained in a TMDL. Compliance schedules for the permits may exceed 10 years if the DOE determines that:

- the permittee is meeting its requirements under the TMDL as soon as possible;
- the actions proposed in the compliance schedule are sufficient to achieve water quality standards as soon as possible;
- a compliance schedule is appropriate; and
- the permittee is not able to meet its waste load allocation solely by controlling and treating its own effluent.

### **Amended Bill Compared to Original Bill:**

The amended bill removes:

- the requirement that a permittee may have an extended compliance schedule if it has made significant investments in advanced technology;
- the requirement that the DOE consider the nature, magnitude, and cost of point and nonpoint pollution controls;

- the requirement that 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; and
  - requirements for nonpoint sources.
- 

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Nonpoint approaches cannot always meet current compliance schedules of 10 years. This bill will allow extensions to compliance schedules. Clean water is important to our communities. As water quality standards are made more stringent, technology cannot always keep up. Companies can put the best technology in and still not meet the water quality standards. Washington lives in a TMDL world.

(Opposed) This bill requires rulemaking and it might lessen the chance that the EPA approves the rules. This bill is not well drafted and needs to be cleaned up. Water quality needs to improve sooner rather than later.

**Persons Testifying:** (In support) Melodie Selby, Department of Ecology; Al Link, Washington State Labor Council; and Llewellyn Matthews, Northwest Pulp and Paper Association.

(Opposed) Bruce Wishart, People for Puget Sound; and Craig Engelking, The Sierra Club.

**Persons Signed In To Testify But Not Testifying:** None.