
Environment Committee

HB 2651

Brief Description: Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit.

Sponsors: Representatives Springer, Chandler, Blake, Upthegrove and Wilcox; by request of Department of Ecology.

Brief Summary of Bill

- Requires the industrial stormwater general permit issued by the Department of Ecology to include nonnumeric, narrative effluent limitations for permittees with discharges to water bodies listed as impaired for bacteria by July 1, 2012.
- Adds an expiration date of January 1, 2015 for the section of law that applies to the construction and industrial stormwater general permits issued by the Department of Ecology.

Hearing Date: 1/26/12

Staff: Anna Jackson (786-7194).

Background:

Clean Water Act.

The Washington Department of Ecology (Ecology) administers a state program for discharge of pollutants to state waters. State permits are required for anyone who discharges waste materials from a commercial or industrial operation to ground or to publicly owned treatment plants. State permits are also required for municipalities that discharge to ground.

The federal Clean Water Act (CWA) prohibits the discharge of pollutants in toxic amounts. Stormwater is a pollutant under the CWA. The CWA also 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

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wastewater to surface waters or who has a significant potential to impact surface waters. Ecology has been delegated the authority by the United States Environmental Protection Agency (EPA) to administer NPDES permits.

In the state and NPDES permit programs, Ecology 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.

Industrial Stormwater General Permits.

One type of general permit Ecology issues is the industrial stormwater general permit. This permit implements state and federal regulations that require industrial facilities to control stormwater using Best Management Practices to prevent water pollution. The statewide permit covers more than 1,200 facilities that discharge stormwater associated with industrial activity into surface waters and storm drains. Business types that need this permit include lumber, paper, printing, chemicals, petroleum, leather, manufacturing, metals, landfills, transportation, mills and food.

Ecology currently requires many businesses that are permitted under the industrial stormwater general permit to ensure that their stormwater runoff complies with strict numeric limits for bacteria, if their stormwater runoff goes to an "impaired" water body that already has bacteria pollution. A water body is designated as impaired if Ecology has data showing that the water quality standards have been violated for one or more pollutants, and there is no total maximum daily load (TMDL) or pollution control plan. Total maximum daily loads are required for water bodies designated as impaired, and these water bodies are added to a federal list of impaired water bodies under the federal CWA rule 303(d).

Summary of Bill:

By July 1, 2012, the industrial stormwater general permit must require permittees with discharges to water bodies listed as impaired for bacteria to comply with nonnumeric, narrative effluent limitations.

An expiration date of January 1, 2015 is added for the section of law that applies to the construction and industrial stormwater general permits [RCW 90.48.555].

Appropriation: None.

Fiscal Note: Available.

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