

SENATE BILL REPORT

SB 5786

As of January 25, 2022

Title: An act relating to protecting Puget Sound from wastewater pollution by requiring the department of ecology to strengthen the Puget Sound nutrient general permit.

Brief Description: Protecting Puget Sound from wastewater pollution by requiring the department of ecology to strengthen the Puget Sound nutrient general permit.

Sponsors: Senators Schoesler, Dozier, Honeyford, Rolfes and Short.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/25/22.

Brief Summary of Bill

- Requires the Department of Ecology (Ecology) to strengthen the requirements of the Puget Sound Nutrient General Permit (Permit).
- Requires Ecology to submit a report with the intended revisions of the Permit to the Legislature by December 1, 2022.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Ashley Trunnell (786-7278)

Background: The federal Clean Water Act (CWA) sets limitations for discharges of pollutants. The Department of Ecology (Ecology) is the delegated CWA authority by the U.S. Environmental Protection Agency. Ecology is also the agency authorized by state law to implement state water quality programs.

The CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. Point sources are defined generally as discernible, discrete, and confined conveyances from which

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pollutant discharges can or do occur. NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface water quality.

The Puget Sound Nutrient General Permit (Permit) is administered by Ecology and limits the excess of nutrients from entering Puget Sound from domestic wastewater treatment plants (WWTPs). Excess nutrients can cause low oxygen levels, expand dead zones, increase seawater acidification, and increase harmful algal blooms. The Permit applies to 58 domestic WWTPs discharging into marine and estuary waters of Puget Sound and the Salish Sea. The Permit focuses only on controlling nutrients and works in conjunction with the WWTPs other existing individual permits. The Permit became effective January 1, 2022, and expires December 31, 2026.

Summary of Bill: Ecology must revise and strengthen the requirements of the Permit to limit pollution from WWTPs into Puget Sound and the Salish Sea. The components of the Permit that must be strengthened include:

- facility specific and bubbled action levels;
- nitrogen optimization plans;
- reporting and record keeping requirements;
- corrective actions;
- nutrient reduction evaluations including, but not limited to, environmental justice reviews;
- monitoring and sampling requirements;
- noncompliance notification requirements;
- penalties; and
- any other similar or related elements as determined by Ecology.

By December 1, 2022, Ecology must submit a report to the Legislature with intended revisions to the Permit requirements.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: Beaches have closed, the shellfish industry has been impacted, and salmon runs have been harmed as a result of terrible discharges from WWTPs into Puget Sound. Farmers, homeowners, and others along the Skagit River are often blamed for the pollution in Puget Sound, even though it is from WWTPs. To protect salmon and orcas, higher standards are needed for WWTPs to ensure clean water is discharged into Puget Sound.

OTHER: The requirements of the Permit should be strengthened to protect the waters of Puget Sound and the Salish Sea. Revising the Permit will delay the implementation of the current Permit due to additional stakeholdering and public comment processes. Immediate revisions to the Permit would not allow WWTPs the time to upgrade their facilities to be in compliance with new requirements.

Persons Testifying: PRO: Senator Mark Schoesler, Prime Sponsor.

OTHER: Vince McGowan, WA State Dept of Ecology/WQ Program; Mindy Roberts, Washington Environmental Council / Washington Conservation Voters; Don Gourlie, Puget Sound Partnership.

Persons Signed In To Testify But Not Testifying: No one.