

HOUSE BILL REPORT

HB 2716

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to review of renewal of waste discharge permits.

Brief Description: Concerning waste discharge permits.

Sponsors: Representatives Chandler and Chappell.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/31/96, 2/1/96 [DP].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 16 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Murray; Ogden; Regala; Robertson; Rust and Schoesler.

Staff: Rick Anderson (786-7114).

Background: NPDES Wastewater Discharge Permits. Any person who conducts a commercial or industrial operation which results in the disposal of waste into the waters of the state is required to obtain a wastewater discharge permit from the Department of Ecology. The permit generally specifies the type, quantity, and concentration of pollutants that may be discharged. The permit is valid for up to five years.

The State Environmental Policy Act (SEPA). SEPA is a process intended to identify whether or not a proposed project has probable significant adverse environmental impacts. SEPA applies when a state or local governmental agency undertakes a development or issues a permit for a development. If impacts are probable, an environmental impact statement must be completed.

The SEPA rules, adopted by the Department of Ecology, provide a categorical exemption for the issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules. The exemption does not apply to new source discharges.

The Department of Ecology's use of the categorical exemption on wastewater discharge permits issued to Washington pulp and paper mills is currently being challenged in court.

Summary of Bill: A statutory exemption from SEPA is created for the issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules. The exemption applies to existing discharges only.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Pulp and paper mills undergo a very thorough environmental review before being issued wastewater discharge permits. The plaintiffs have had several opportunities to challenge the issuance of this permit. The State Environmental Policy Act (SEPA) should not be used to delay the issuance of these permits. This bill is similar to legislation enacted last year exempting the issuance of air operating permits from SEPA.

Testimony Against: This bill is unnecessary. Department of Ecology rules already exempt wastewater discharge permits from SEPA. SEPA is an important safety net. The issuance of wastewater permits does not consider the impact of cumulative effects of allowing a discharge over time.

Testified: Llewellyn Mathews, Northwest Pulp Paper Association (in favor). Jeff Parsons, People for Puget Sound (against).