

SENATE BILL REPORT

SB 5079

As Reported By Senate Committee On:
Agriculture & Environment, February 4, 1997

Title: An act relating to permit processing.

Brief Description: Providing an alternative means to comply with wastewater discharge permit requirements.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Agriculture & Environment: 1/21/97, 2/4/97 [DPS].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

Background: Any person who owns or operates a facility discharging wastewater to waters of the state must apply for a wastewater discharge permit from the Department of Ecology. Permits are drafted by Department of Ecology staff, with conditions that place limits on the quantity and concentration of contaminants that may be discharged. Public notice and an opportunity to comment is provided for each draft permit, and a hearing may be required if there is sufficient public interest. After the close of the comment period, the Department of Ecology will respond to comments and issue a final permit.

It has been suggested that allowing an applicant to develop the draft permit would encourage pollution prevention and decrease Department of Ecology program costs.

Summary of Substitute Bill: Findings are made regarding the benefits of allowing the private preparation of draft wastewater discharge permits.

The Department of Ecology must determine for each application for a new or modified wastewater permit whether the permit will be processed in 180 days. If the permit will not be processed within 180 days the Department must notify the applicant, and the applicant may choose to withdraw the application and resubmit the application in the form of a draft permit.

Any applicant may submit an application for a new or modified wastewater permit with a draft permit and fact sheet. The Department of Ecology is required to approve or deny the

proposed permit within 45 days if no hearing is required, or within 90 days if a hearing is required.

The Department of Ecology is directed to make available guidelines specifying the elements of a complete draft permit.

Substitute Bill Compared to Original Bill: The substitute bill applies only to applications for new permits or permit modifications, not to renewals of existing permits. The Department of Ecology is not required to compile a list of approved contractors.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will bring greater private sector resources to bear on the process of issuing permits, which will allow limited agency resources to go farther. The private sector will accept the greater financial burden in exchange for greater predictability in permitting. Preparing a draft permit will encourage facilities to design processes that reduce pollution and costs.

Testimony Against: There are no cost efficiencies to be achieved through privatization. Allowing a company to prepare a draft permit will create a conflict of interest.

Testified: Linda Crerar, Ecology (pro); Mike Llewelyn, Ecology (concerns); Paul Parker, WA St. Assn. Of Counties (pro); Bruce Wishart, People For Puget Sound (con).