

SENATE BILL REPORT

SB 5612

As of February 8, 1999

Title: An act relating to wastewater pollution prevention and control, and imposing mandatory minimum penalties upon chronic or significant water quality violators.

Brief Description: Changing water pollution provisions.

Sponsors: Senators Fraser, Finkbeiner, Eide, Winsley and Kline.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/11/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Richard Ramsey (786-7412)

Background: Criminal penalties for wilful violations of water pollution control laws are a \$10,000 fine and/or up to one year in the county jail per violation. In 1992, the penalties were expanded to include violations of the Oil and Hazardous Substance Spill Prevention and Response Act.

The federal Clean Water Act defines conventional and toxic pollutants. Conventional pollutants include biological oxygen demand, suspended solids, fecal coliform, and pH. Toxics include ammonia, copper, cyanide, DDT, lead, mercury, and silver.

In 1990, the Legislature required all generators of more than 2,640 pounds of hazardous waste to prepare a plan for the voluntary reduction of the use of hazardous substances and generation of hazardous waste. In 1991, the Legislature exempted used oil that is to be refined or burned from the calculation of hazardous waste generated. The Department of Ecology (DOE) may allow plans, executive summaries, and annual progress reports of hazardous waste generators to substitute for reduction plans. Generators writing a plan are encouraged to involve employees in the hazardous substance and waste reduction planning process. DOE has adopted rules detailing reporting requirements.

Summary of Bill: Hazardous waste generators are required to advise their employees of the hazardous substance and waste reduction planning process and solicit the employees' comments.

Reporting requirements are applied to permitted wastewater dischargers and are expanded to include providing greater detail in achieving zero discharge of pollutants and specifying timelines for achieving targets for the permitted discharge of toxic effluents.

Plans are expanded to require detailed cost analyses.

Wastewater discharge permit holders are required to submit plans, executive summaries, and an annual progress report for review by the department. Elements of plans already required in process are allowed and new analysis is not demanded.

The DOE assesses a civil penalty for chronic and significant noncompliance with the terms of permitted wastewater discharge. DOE must adopt methods for calculating the economic benefits accruing to the permit holder as a function of the discharge. The penalty may not be less than \$5,000 and may exceed the economic benefits. Exemptions from liability are provided. Penalties are paid to the coastal protection fund.

Criminal penalties are increased to \$20,000 and two years in a county jail.

Appropriation: None.

Fiscal Note: Requested on February 8, 1999.

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