

# SENATE BILL REPORT

## SB 5670

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As Passed Senate, March 11, 1999

**Title:** An act relating to water pollution control.

**Brief Description:** Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

**Sponsors:** Senators Snyder and Rasmussen.

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Recreation: 2/24/99, 3/1/99 [DP].  
Passed Senate, 3/11/99, 46-0.

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

**Majority Report:** Do pass.

Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

**Staff:** David Johnson (786-7754)

**Background:** Spartina is classified as an aquatic noxious weed. The Department of Agriculture is primarily responsible for controlling Spartina. In doing so, it is required to apply to the Department of Ecology for a permit to apply certain experimental herbicides. The Department of Ecology sets the conditions for application.

**Summary of Bill:** The application of herbicides and surfactants registered to control Spartina and other noxious weeds, subject to certain specified conditions of application and water quality criteria is authorized. Permits for such applications are valid for five years.

Application of experimental herbicides is also authorized. Those applications are exempt from the State Environmental Policy Act.

The Department of Agriculture may add assessments of possible herbicide application changes to the existing environmental impact statement, rather than issuing a new statement.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Spartina is highly aggressive and this authority is needed to really go after it. Early efforts to control it (which would have been more effective) were hampered by

bureaucratic processes and fears that this bill avoids. The terms of this bill use the best technology to attack a big problem and are realistic.

**Testimony Against:** None.

**Testified:** PRO: Mary Beth Lange, Dept. of Agriculture; Dick Sheldon, Willapa Grays Harbor Oyster Growers Assn.; Len Barson, Nature Conservancy.

**House Amendment(s):** The house amendment added provisions to address the state's compliance with the Clean Water Act. It is acknowledged that waters of the state do not meet Clean Water Act standards. A program to monitor, identify, classify and develop cleanup plans for polluted waters is established.

Existing pollution control programs are to be utilized and targeted to attain the required water quality standards. If existing programs are insufficient to do so, Total Maximum Daily Load (TMDL) measures will be developed and utilized to reach the required standards. Pollution control programs for water quality, and TMDL's, are exempt from the State Environmental Protection Act.

An advisory committee is established to recommend data quality, analysis, and interpretation procedures. A storm water advisory committee is created to suggest updates and changes to the state storm water management plan.

New pollutant discharge permits may not be issued if they would cause or contribute to a violation of water quality standards. The Department of Ecology is directed to establish a pollution credit trading program.

An agreement with the National Marine Fisheries Service (NMFS) to help endangered species is exempt from water quality enforcement for 15 years. If access to a pollution sampling site is by way of private property, then the Department of Ecology must obtain the permission of the private property owners before accessing the water body.