

SENATE BILL REPORT

SB 6722

As of February 2, 2002

Title: An act relating to mitigating the effects of the aquatic herbicide general permit required as a result of a recent federal court decision.

Brief Description: Mitigating the effects of the aquatic herbicide general permit required as the result of a recent court decision.

Sponsors: Senators T. Sheldon, Winsley and Rasmussen.

Brief History:

Committee Activity: Ways & Means: 2/5/02.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Richard Ramsey (786-7412)

Background: Current law requires that the Department of Ecology set fees for National Pollutant Discharge Elimination System (NPDES) permits so as to recover the cost of the permit program. NPDES permits are required for discharge of wastes to waters of the state. Activities subject to the cost recovery include, for example, processing permit applications, monitoring, inspection, compliance, and agency overhead associated with these activities.

A recent federal court decision, *Headwaters, Inc. v. Talent Irrigation District* (9th Cir. 2001) requires applicators of herbicides to irrigation canals to obtain an NPDES permit. This requirement has been extended to other individuals and organizations that apply pesticides to waters of the state.

Summary of Bill: The fee for an NPDES permit required solely as a result of the *Talent* decision is limited to \$300. The Department of Ecology may transfer up to \$200,000 per biennium from the State Toxics Control Account to recover the costs of the general permit program established as a result of the *Talent* decision.

Appropriation: None.

Fiscal Note: Requested on January 23, 2002.

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