

SENATE BILL REPORT

SB 5724

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 11, 1991

Brief Description: Requiring the department of ecology to study impacts of regulating paper mill waste.

SPONSORS: Senators Sutherland, Hayner and Owen.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Staff: Gabrielle Horner (786-7717)

Hearing Dates: February 27, 1991; March 5, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5724 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Newhouse, L. Smith, and West.

Staff: Michael Groesch (786-7715)

Hearing Dates: March 11, 1991

BACKGROUND:

Chlorinated organic compounds are chemical substances containing both organic carbon and chlorine that can be created during the pulp and paper making process. When pulp and paper are bleached in industrial processes, the carbon element of chlorinated organic compounds comes from wood and oil-based products used as defoamers; the chlorine component of these elements comes from chlorinated bleaching agents.

"Dioxin" is a term used to refer to a family of 210 chlorinated organic compounds that vary in their degree of toxicity. "TCDD" is considered to be the most toxic member of the dioxin family, and has been linked to malignancies, birth defects, and physical deterioration in laboratory animals.

The effect of dioxin on human health is not certain and remains a contentious issue among scientists. The U.S. Environmental Protection Agency (EPA) has classified TCDD as a possible human carcinogen, and it is suspected to cause

noncancerous human effects such as reproductive interference and immune system suppression. Dioxin bioaccumulates in animals, and the EPA has discovered that dioxin can concentrate in fish 10 times more than initially presumed.

Studies by the paper industries and government agencies in North America and Europe have confirmed that extremely small but detectable amounts of TCDD are produced and released into the environment by pulp and paper mills that use chlorine bleaching agents.

The State Department of Ecology regulates effluents from pulp and paper mills in state-issued National Pollution Discharge Elimination System (NPDES) permits. The issuance of NPDES permits for dischargers in Washington has been delegated to the Department of Ecology by the EPA. The EPA oversees the state program, and if for any reason, the state is not able to issue permits as required by federal law, the EPA may step in to assure that dischargers are permitted as required in federal law.

The EPA is planning to release chlorinated organic effluent guidelines for the pulp and paper industry in 1993 and final guidelines by 1995. The Department of Ecology has proposed technology based limitations on chlorinated organics consistent with proposed federal standards.

SUMMARY:

A finding is made that scientifically valid and technically achievable effluent limitations on the pulp and paper industry are necessary to protect the state's waters.

The Department of Ecology is to prepare and submit a study on state environmental impacts from chlorinated organic compound emissions to the Legislature by December 31, 1991. The study is to include an analysis of possible chlorinated organic compound effluent standards, and a recommended state effluent standard. The study is to also include a detailed analysis of the economic costs and environmental benefits associated with complying with each standard.

Ecology may use state university resources, and is to consult with the Puget Sound Water Quality Authority and the Columbia River Bi-State Commission when preparing its study.

A Joint Select Committee on Water Quality is created to review, evaluate and conduct public hearings on Ecology's study of chlorinated organic compounds. The committee is to monitor actions taken by Ecology to implement the study's recommendations, and report any necessary changes to the Legislature.

The committee is to consist of ten voting members, and additional non-voting members, and jointly appointed by the House Speaker and President of the Senate. The co-chairs of the committee are to be selected by the House Speaker and the

President of the Senate. The voting membership is to be divided between each major political caucus.

Ecology cannot issue water discharge permits limiting the discharge of chlorinated organic compounds by pulp and paper mills until the Legislature has reviewed the study submitted by the department. However, if the EPA promulgates national effluent guidelines for pulp and paper mill emissions of chlorinated organic compounds before Ecology submits its study to the Legislature, Ecology can issue permits consistent with national guidelines.

EFFECT OF PROPOSED SUBSTITUTE:

A finding is made that scientifically valid and technically achievable effluent limitations on the pulp and paper industry are necessary to protect the state's waters.

The Department of Ecology is to prepare and submit a study on the environmental impacts of chlorinated organic compounds to the Legislature by December 31, 1991. The study is to include an analysis of possible and recommended effluent limitations for chlorinated organic compounds, and a detailed analysis of the economic costs and environmental benefits associated with complying with each possible effluent standard. The department may use state university resources, and consult with the Puget Sound Water Quality Authority and the Columbia River Bi-State Commission.

The department's study shall not apply to dioxin compounds.

The department shall not issue water discharge permits establishing limits for chlorinated organic discharges from pulp and paper mills until the Legislature has reviewed and made recommendations based on the study submitted by the department. However, if the EPA promulgates national guidelines for chlorinated organic effluents from pulp and paper mills before the study is submitted to the Legislature, the department may issue permits consistent with national guidelines.

The moratorium on the issuance of state permits that limit chlorinated organic discharges from pulp and paper mills ends March 31, 1992.

A Joint Select Committee on Water Quality is created to review, evaluate and conduct public hearings on the study. The committee is to monitor actions taken by the department to implement the study's recommendations, and report any necessary changes to the Legislature. The committee is to consist of ten voting members, additional nonvoting members, and committee cochairs, all jointly appointed by the House Speaker and President of the Senate. The committee's voting membership is to be divided between each major political caucus.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

The study and the Joint Committee on Water Quality are deleted from the bill.

Appropriation: none

Revenue: none

Fiscal Note: requested February 25, 1991

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

TESTIMONY FOR (Environment & Natural Resources):

The process for developing effluent standards for chlorinated organic compounds must be slowed. If Washington uses a more stringent standard than other states, Washington's pulp and paper industry could be placed at a competitive disadvantage.

TESTIMONY AGAINST (Environment & Natural Resources):

The Department of Ecology does not have the technical expertise to prepare the study by December of 1991. It should be assigned to a state university. If the department is prevented from issuing permits, the EPA will probably step in to issue the permits.

TESTIFIED (Environment & Natural Resources): Don Brownell, Assoc. of Washington Business (pro); Carol Jolly, Dept. of Ecology (con); Doris Cellarues, Sierra Club (con); Chris Hedrick, Puget Sound Water Quality Authority (con); Andy Elsbree, James River Corp. (pro); Llewellyn Matthews, Northwest Pulp and Paper Assn. (pro); Brent Knott, Assn. of Western Pulp and Paper Workers (pro); Robert Dilger, WA Building and Construction Trades Council (pro)

TESTIMONY FOR (Ways & Means):

Substantial amounts of money may be wasted on compliance with state regulations which are eventually overruled by federal guidelines.

TESTIMONY AGAINST (Ways & Means):

Many of the chemicals are known to be toxic and jobs need not be lost if proper types of alternatives are applied to the problem.

TESTIFIED (Ways & Means): Llewellyn Matthews, NW Pulp and Paper Association (pro); Carol Jolly, Department of Ecology (con); Bruce Wishart, Sierra Club (con); Jim Hartley, Simpson Tacoma Kraft (pro); Brent Knott, AWPPW (pro); Jerry Harper, Weyerhaeuser (pro); Craig Voegele, Boise Cascade (pro); Curt Copenhagen, Longview Fibre (pro)