

SENATE BILL REPORT

ESHB 2875

As Reported By Senate Committee On:
Ecology & Parks, February 23, 1996
Ways & Means, February 26, 1996

Title: An act relating to water quality.

Brief Description: Creating the Puget Sound management team.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representative Chandler).

Brief History:

Committee Activity: Ecology & Parks: 2/22/96, 2/23/96 [DPA-WM].
Ways & Means: 2/26/96 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Staff: Gary Wilburn (786-7453)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Staff: Cathy Baker (786-7708)

Background: The Puget Sound Water Quality Authority was created by the Legislature in 1985. The Authority's principal purpose is to develop a comprehensive plan for the protection and cleanup of Puget Sound, applicable to the hundreds of local, regional and state jurisdictions within the Puget Sound basin. The Authority comprises 11 members: nine citizen members appointed by the Governor, the director of the Department of Ecology, and the Public Lands Commissioner serving ex officio. Three of the citizen members are to represent cities, counties and tribal governments. The Ecology Department director chairs the Authority. The Authority's 1993-1995 biennial operating budget was \$2.5 million, with approximately 19 FTE staff. It administers another \$1.7 million per biennium in grants to local governments and citizen groups. For the 1995-97 biennium, the Legislature provided \$1.3 million for one year to the Department of Ecology to carry out the Puget Sound programs under Chapter 90.70 RCW. The Governor directed that this funding be transferred by interagency agreement to the Authority.

The initial Puget Sound Water Quality Management Plan was adopted in 1986, and revised in 1989, 1991 and 1994. The plan contains numerous elements, addressing subjects such as nonpoint source pollution, municipal and industrial discharges, contaminated sediments, stormwater and combined sewer overflows, spill prevention and response, wetlands protection, research and monitoring. The plan developed by the Authority is to be implemented by appropriate state and local agencies subject to available funding.

Other duties of the Authority include: implementation of a Puget Sound long-term monitoring program (authorized in 1990); periodic reporting on the state of the Sound, the status of plan implementation, and state and local actions affecting the Sound; review of state agency budgets relating to Puget Sound; making recommendations to the Governor and Legislature; encouraging research on Puget Sound's water quality; and administering a public involvement and education program.

Originally scheduled for sunset in 1991, the Legislature reauthorized the Authority in 1990 until June 30, 1995. The reauthorizing legislation expanded the Authority membership, required its offices to be located in Olympia within the Department of Ecology, and clarified that the plan was to be implemented by appropriate agencies subject to available funding. The legislation also required the Governor's proposed biennial budget to identify Puget Sound funding levels, and directed the Authority to prepare a strategy for implementing the plan that includes setting priorities. The Legislature also directed that, notwithstanding the agency's sunset, the plan was to continue and be the responsibility of such entities as provided by the Legislature.

The Legislative Budget Committee completed its latest sunset review of the Authority in September, 1994. It recommended continuation of the Authority and consideration of changing the composition of the Authority to include industrial discharger representation. It also recommended legislative changes to focus the Authority upon plan implementation, to de-emphasize plan revisions, and omit unnecessary reporting requirements.

Summary of Amended Bill: A new sunset date of the year 2001 is established for the Authority. The membership of the authority includes nine citizen members appointed by the Governor and two nonvoting members of the Legislature, one from the House of Representatives and one from the Senate, appointed by the House Speaker and Senate President, respectively. The requirement in current law that appointed members be selected from each congressional district around the Sound is replaced by a requirement that the appointments reflect geographical balance and population diversity, and include representation from specified interests. The representatives of cities and counties are to be current or former elected local government officials. The Authority must select a chair, replacing the requirement in current law that the Ecology Department director serve as chair.

The Puget Sound interagency advisory council is created, consisting of the executives of ten state agencies, a person from the Governor's office, and the presidents of the University of Washington and Washington State University. The council convenes periodically to provide recommendations on improving state agency coordination and priority setting in the implementation of state elements of the Puget Sound plan. An annual summit for this purpose is to be scheduled. The council is also to submit a study of the need for additional state assistance in marine waters planning and protection activities in other marine waters.

The Governor shall appoint the council chair, who may be a member of the Governor's office staff or a council member.

The Authority is to serve the needs of state, local and tribal governments in plan implementation by providing technical assistance and seeking state and federal incentives for local comprehensive strategies such as financial assistance and regulatory flexibility. The Authority also is required to provide dispute resolution services to achieve coordinated plan implementation. The planning cycle is extended to six years from four years. The Authority is directed to develop and track quantifiable performance measures for improving and protecting Puget Sound water quality and biological resources. State agencies must assist the Authority in developing the measures which are to be developed by June 30, 1997. The Authority's biennial State of the Sound report must include an assessment of plan implementation based upon an evaluation of the performance measures. The Authority is to ensure implementation of the Puget Sound ambient monitoring program, and specific duties regarding the program are enumerated.

The authority is to develop a biennial work plan and submit it for inclusion in the Governor's biennial budget development process. The work plan and budget must include:

- (1) an identification and prioritization of federal, state, and local actions necessary to address the water pollution problems in five specified areas around Puget Sound as follows: Area #1 includes Island and San Juan Counties; Area #2 includes Skagit and Whatcom Counties; Area #3 includes Clallam and Jefferson Counties; Area #4 includes Snohomish, King, and Pierce Counties; and Area #5 includes Kitsap, Mason, and Thurston Counties;
- (2) provide for interagency technical assistance and watershed assessment teams in the identified areas, subject to available resources and as determined to meet priority actions in the workplan;
- (3) funding to implement an ambient monitoring program for Puget Sound; and
- (4) funding for local watershed action plans.

Each proposed work plan must be submitted to the Legislature by December 20 of each even-numbered year, and be implemented in accordance with the biennial budget provisos. Beginning in 1998, the authority must submit a report to the Legislature evaluating the progress made on the current work plan and providing a cost itemization of the proposed work plan.

Local governments are required to implement local elements of the work plan subject to the availability of funding. The authority is to make recommendations upon a consolidated state funding mechanism to assist in the implementation of local watershed action plans.

Amended Bill Compared to Substitute Bill: The amendments reauthorize the Authority with a revised membership and a 2001 sunset date. The provision in ESHB 2875 for a Puget Sound action team is replaced by a Puget Sound interagency advisory council with membership similar to the House bill, but the council's functions are advisory to the authority and address state agency responsibilities only.

The amendment assigns to the authority several of ESHB 2875 provisions assigned to the action team, including the development of a biennial work plan and budget for Puget Sound plan implementation, coordinating the ambient monitoring program, periodically reporting to the Legislature, and tracking of local government implementation of plan elements. An ESHB 2875 provision on the consolidation of state funding programs for plan implementation is provided as a study in the amendment. The appropriations in ESHB 2875 are retained by the amendment. The provisions on rule-making in ESHB 2875 are deleted in the amendment.

Ways & Means Amendment Compared to Ecology & Parks Amendment: The appropriation of \$100,000 to the Governor's office for interagency council functions and \$1 million to the Department of Ecology for grants to local jurisdictions are removed.

Appropriation: None.

Fiscal Note: Available as to engrossed House bill; requested February 23 on Senate committee amendments.

Effective Date: June 30, 1996.

Testimony For (Ecology & Parks): The House bill will provide an improved coordinating mechanism at the state level to ensure that the plan is implemented, by setting priorities, funding the activities in the biennial budget, and integrating state plan implementation activities with other ongoing state programs.

Testimony Against (Ecology & Parks): The current agency has a good record in keeping the plan current and working with local governments to implement the plan, and should be reauthorized and fully funded to carry on this work.

Testified (Ecology & Parks): Representative Chandler (prime sponsor); Fred Hellberg, Governor's office, OFM; Lee Wiegardt, PCOGA (pro); Bill Dewey, Taylor United Inc. (support with changes); Tim Smith, Pacific Coast Oyster Growers Association (support with changes); Kathy Fletcher, People for Puget Sound; BJ Cummings, Puget Soundkeeper (con as drafted); Nancy McKay, PSWQA.

Testimony For (Ways & Means): The Senate striking amendment is a good compromise. It reauthorizes the Puget Sound Water Quality Authority and incorporates many of the provisions of the House bill.

Testimony Against (Ways & Means): The House bill provides a more effective approach for coordinating state agencies and implementing the Puget Sound plan.

Testified (Ways & Means): Representative Chandler, original prime sponsor; Nancy McKay, Puget Sound Water Quality Authority; Jeff Parsons, People for Puget Sound; Tim Smith, Pacific Coast Oyster Growers' Assn.