

House Bill Analysis

HB 2975

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February 3, 2000

<p>- Relates to phasing out the use of mixing zones for persistent bioaccumulative toxic pollutants.</p>
--

BACKGROUND:

Persistent, bioaccumulative, and toxic (PBT) pollutants are toxic chemicals that last a long time in the environment, and that pose a risk to humans and animals because they build up in the food chain. Health problems associated with PBT's include adverse effects on the nervous system, reproductive system, developmental problems, cancer, and genetic impacts. Children and developing fetuses are especially susceptible to harm from these pollutants. Examples of PBTs include mercury and dioxins.

The U.S. Environmental Protection Agency has launched a PBT initiative in response to the increasing number of advisories being issued in the country to restrict or avoid eating fish. EPA's strategy for addressing PBTs include:

- preventing the introduction of new PBTs from entering commerce;
- encouraging voluntary reduction of priority PBTs in hazardous waste;
- giving the public information concerning mercury emissions from utilities;
- increasing the public's right-to-know about local sources of PBT emissions; and
- evaluating fish for PBT contamination.

The Department of Ecology is also working to reduce emissions and exposures to PBTs. Ecology held a conference on PBTs in 1998, as well as meetings throughout the state in 1999. Ecology is in the process of identifying options for pollution prevention, incentive-based strategies, rule development, and permitting and compliance efforts which will reduce and gradually eliminate PBTs over time from the environment.

A mixing zone is an area in a waterbody adjacent to an effluent outfall where mixing results in dilution of the effluent with the receiving water. Water quality criteria may be exceeded in a mixing zone as provided in WAC 173-201A-100. The allowable size and location of a mixing zone and the associated effluent limits are established in discharge permits, general permits, or orders, as appropriate.

SUMMARY:

The legislature recognizes that the department of ecology has initiated a strategy to eliminate discharges of persistent bioaccumulative toxics and that phasing out mixing zones for these toxic pollutants is an important step toward eliminating discharge.

A definition is provided for the term persistent bioaccumulative toxics,– which is identified as a list of enumerated chemicals and compounds, and other chemicals and compounds as the Department of Ecology may define by rule. The other definitions in that section are reformatted, but their meaning is not changed.

The Department of Ecology is required to adopt rules that provide criteria for designating chemicals and compounds as persistent bioaccumulative toxics. The department is also required to adopt a rule to phase out the use of mixing zones for persistent accumulative toxics for existing sources. The department must report to the legislature on its progress in phasing out mixing zones for PBTs during the 2001 legislative session.