

SENATE BILL REPORT

SB 6077

As Passed Senate, February 18, 2014

Title: An act relating to the use of storm water control facility rate charges.

Brief Description: Modifying the use of storm water control facility rate charges.

Sponsors: Senators Benton and Sheldon.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/04/14, 2/06/14 [DP, DNP, w/oRec].

Passed Senate: 2/18/14, 26-21.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown, Honeyford and Litzow.

Minority Report: Do not pass.

Signed by Senators McCoy, Ranking Member; Chase.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig and Ranker.

Staff: Jan Odano (786-7486)

Background: The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater and storm water discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater or storm water to surface waters, or who has a significant potential to impact surface waters. The Department of Ecology (DOE) is delegated federal CWA authority by the United States Environmental Protection Agency.

DOE also administers state discharge permits. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged and may require wastewater treatment or impose operating or other conditions. DOE issues individual permits, covering single, specific activities or facilities, and general permits, covering a category of similar dischargers, in the state and for the NPDES permit programs. General permits include, but are not limited to, the construction storm water general permit, the sand

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and gravel general permit, the industrial storm water general permit, and the municipal storm water permits.

Local government utilities may charge the Washington State Department of Transportation for the construction, operation, and maintenance of storm water control facilities under certain conditions:

- the rate to be charged is 30 percent of the rate for comparable real property;
- the rate is only charged for limited-access facilities; and
- the rate charged to the state may not be greater than the rate charged to cities and counties within the same jurisdiction.

These charges to the state are declared to be presumptively fair and equitable because the state invests in the construction, operation, and maintenance of storm water control facilities that control runoff from state highways. Funds paid by the state must be used solely for storm water control facilities that directly reduce state highway runoff impacts or to implement best management practices that reduce the need for storm water control facilities. Local government utilities must develop an annual plan for the expenditure of the storm water charges and provide a progress report on the use of charges assessed for the prior year.

Summary of Bill: The requirement for local government utilities to use funds paid by the state solely for storm water control facilities that directly reduce state highway runoff impacts or to implement best management practices that reduce the need for storm water control facilities is removed. In addition, local government utilities are no longer required to develop an annual plan for the expenditure of the storm water charges or provide a progress report on the use of charges assessed for the prior year.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Local governments are required to set aside the funds for use only on state highway runoff impacts. If you do not follow the plan requirements, the Department of Transportation may refuse to pay the fees for the following year.

Persons Testifying: PRO: Ron Wierenga, Clark County.