
SENATE BILL 5326

State of Washington

63rd Legislature

2013 Regular Session

By Senators Rivers, Benton, King, Ericksen, and Shin

Read first time 01/28/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to delaying new storm water requirements; and
2 amending RCW 90.48.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.48.260 and 2012 1st sp.s. c 1 s 313 are each
5 amended to read as follows:

6 (1) The department of ecology is hereby designated as the state
7 water pollution control agency for all purposes of the federal clean
8 water act as it exists on February 4, 1987, and is hereby authorized to
9 participate fully in the programs of the act as well as to take all
10 action necessary to secure to the state the benefits and to meet the
11 requirements of that act. With regard to the national estuary program
12 established by section 320 of that act, the department shall exercise
13 its responsibility jointly with the Puget Sound partnership, created in
14 RCW 90.71.210. The department of ecology may delegate its authority
15 under this chapter, including its national pollutant discharge
16 elimination permit system authority and duties regarding animal feeding
17 operations and concentrated animal feeding operations, to the
18 department of agriculture through a memorandum of understanding. Until
19 any such delegation receives federal approval, the department of

1 agriculture's adoption or issuance of animal feeding operation and
2 concentrated animal feeding operation rules, permits, programs, and
3 directives pertaining to water quality shall be accomplished after
4 reaching agreement with the director of the department of ecology.
5 Adoption or issuance and implementation shall be accomplished so that
6 compliance with such animal feeding operation and concentrated animal
7 feeding operation rules, permits, programs, and directives will achieve
8 compliance with all federal and state water pollution control laws.
9 The powers granted herein include, among others, and notwithstanding
10 any other provisions of this chapter or otherwise, the following:

11 (a) Complete authority to establish and administer a comprehensive
12 state point source waste discharge or pollution discharge elimination
13 permit program which will enable the department to qualify for full
14 participation in any national waste discharge or pollution discharge
15 elimination permit system and will allow the department to be the sole
16 agency issuing permits required by such national system operating in
17 the state of Washington subject to the provisions of RCW 90.48.262(2).
18 Program elements authorized herein may include, but are not limited to:
19 (i) Effluent treatment and limitation requirements together with timing
20 requirements related thereto; (ii) applicable receiving water quality
21 standards requirements; (iii) requirements of standards of performance
22 for new sources; (iv) pretreatment requirements; (v) termination and
23 modification of permits for cause; (vi) requirements for public notices
24 and opportunities for public hearings; (vii) appropriate relationships
25 with the secretary of the army in the administration of his or her
26 responsibilities which relate to anchorage and navigation, with the
27 administrator of the environmental protection agency in the performance
28 of his or her duties, and with other governmental officials under the
29 federal clean water act; (viii) requirements for inspection,
30 monitoring, entry, and reporting; (ix) enforcement of the program
31 through penalties, emergency powers, and criminal sanctions; (x) a
32 continuing planning process; and (xi) user charges.

33 (b) The power to establish and administer state programs in a
34 manner which will ensure the procurement of moneys, whether in the form
35 of grants, loans, or otherwise; to assist in the construction,
36 operation, and maintenance of various water pollution control
37 facilities and works; and the administering of various state water
38 pollution control management, regulatory, and enforcement programs.

1 (c) The power to develop and implement appropriate programs
2 pertaining to continuing planning processes, area-wide waste treatment
3 management plans, and basin planning.

4 (2) The governor shall have authority to perform those actions
5 required of him or her by the federal clean water act.

6 (3) By July 31, 2012, the department shall:

7 (a) Reissue without modification and for a term of one year any
8 national pollutant discharge elimination system municipal storm water
9 general permit applicable to western Washington municipalities first
10 issued on January 17, 2007; and

11 (b) Issue an updated national pollutant discharge elimination
12 system municipal storm water general permit applicable to western
13 Washington municipalities for any permit first issued on January 17,
14 2007. An updated permit issued under this subsection shall become
15 effective beginning August 1, 2013.

16 (i) Provisions of the updated permit issued under (b) of this
17 subsection relating to new requirements for low-impact development and
18 review and revision of local development codes, rules, standards, or
19 other enforceable documents to incorporate low-impact development
20 principles must be implemented simultaneously. These requirements may
21 go into effect no earlier than December 31, 2016, or the time of the
22 scheduled update under RCW 36.70A.130(5), as existing on July 10, 2012,
23 whichever is later.

24 (ii) Provisions of the updated permit issued under (b) of this
25 subsection related to increased catch basin inspection and illicit
26 discharge detection frequencies and application of new storm water
27 controls to projects smaller than one acre may go into effect no
28 earlier than December 31, 2016, or the time of the scheduled update
29 under RCW 36.70A.130(5), as existing on July 10, 2012, whichever is
30 later.

31 (4) By July 31, 2012, the department shall:

32 (a) Reissue without modification and for a term of two years any
33 national pollutant discharge elimination system municipal storm water
34 general permit applicable to eastern Washington municipalities first
35 issued on January 17, 2007; and

36 (b) Issue an updated national pollutant discharge elimination
37 system municipal storm water general permit for any permit first issued

1 on January 17, 2007, applicable to eastern Washington municipalities.
2 An updated permit issued under this subsection becomes effective August
3 1, 2014.

4 (5) By July 31, 2013, the department shall:

5 (a) Reissue without modification and for a term of three years, to
6 be effective through July 31, 2016, any phase I national pollutant
7 discharge elimination system municipal storm water general permit in
8 effect on September 1, 2012; and

9 (b) Modify the date the updated phase I national pollutant
10 discharge elimination system municipal storm water general permit
11 reissued on August 1, 2012, becomes effective from August 1, 2013, to
12 August 1, 2016.

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