
Transportation Committee

SB 5505

Brief Description: Addressing the use of local stormwater charges paid by the department of transportation.

Sponsors: Senators Hobbs, King and Fortunato.

Brief Summary of Bill

- Requires that local government utilities that charge stormwater fees to the Washington State Department of Transportation (WSDOT) may use the fees only for stormwater control facilities and best management practices that directly address runoff from state highways as opposed to all types of stormwater runoff.
- Requires local government utilities to provide an expenditure plan and annual progress report before receiving the WSDOT stormwater fees.

Hearing Date: 3/20/19

Staff: Megan McPhaden (786-7114).

Background:

The Clean Water Act prohibits discharges of pollutants from a point source into a water of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under this framework, transportation authorities are responsible for managing stormwater runoff from streets and highways that discharges into a water of the United States. The Department of Ecology is authorized to administer the NPDES regulations and requires that municipal stormwater systems as well as the Washington State Department of Transportation (WSDOT) have a permit to discharge into a water of the United States. The WSDOT designs and constructs stormwater control facilities to manage stormwater discharges from state highways, rest areas, park and ride lots, ferry terminals, and maintenance facilities. Stormwater control facilities are defined to include any facility, improvement, development, or property that controls any storm, waste, flood, or surplus water.

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Local government utilities may impose a charge per unit of surface area of real property to fund the construction, operation, and maintenance of stormwater control facilities that alleviate the runoff impacts from the property. These utilities may charge a rate to the WSDOT for state highway right-of-way and the rate must be 30 percent of the rate for comparable real property, and not be greater than the rate charged to comparable city and county roads. The utilities and the WSDOT may agree to higher or lower rates regarding a specific stormwater control facility and, if they do not agree, there is a process for the county superior court to establish a rate. Local government utilities must use the charges collected from the WSDOT only on stormwater control facilities or best management practices that reduce runoff. It does not matter whether the runoff impacts are directly related to state highways.

The 2014 Supplemental Transportation Budget made temporary changes to the allowable uses of the WSDOT stormwater fees and to the plan requirements for local governments. These changes were permanently enacted in 2015. The 2015 law authorized local government utilities to use the WSDOT stormwater fees for stormwater control facilities and best management practices for all types of runoff, rather than solely for facilities and best management practices focused only on state highway runoff. The requirement for an expenditure plan and progress report was also removed.

Summary of Bill:

Local government utilities are directed to use the WSDOT stormwater fees only for stormwater control facilities or best management practices that directly reduce state highway runoff impacts. The local government utilities must provide an expenditure plan for the upcoming year and progress report for the prior year by January 1 each year, beginning in 2020, in order to receive the WSDOT's stormwater fees.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.