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**SECOND SUBSTITUTE HOUSE BILL 1365**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Dye and Barkis)

AN ACT Relating to improving Puget Sound water quality; adding a new section to chapter 90.48 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the 2007 legislature formally established a goal for the state that the health of Puget Sound be restored by 2020. The state has not yet achieved this goal, as evidenced by the numerous locations within Puget Sound that are listed as impaired waters that fail to meet federal water quality standards. A variety of expensive hurdles remain in place that have challenged the political will to succeed in cleaning up Puget Sound. Primary among these hurdles are the significant volumes of untreated and partially treated sewage that wastewater treatment systems continue to discharge into Puget Sound as a result of system failure events, and the lack of infrastructure and processes to remove nutrients from wastewater at treatment facilities, even where facilities are functioning as intended. The department of ecology has recently finalized a permit that would begin to require monitoring of nutrient discharges and minor changes to begin to address the nutrient discharge problem.

(2) Therefore, it is the intent of the legislature to expedite nutrient discharge reduction activities towards the achievement of nutrient-related water quality standards across Puget Sound. Furthermore, in order to ensure that the costs of these water quality improvements do not fall solely on local governments and utility ratepayers, it is the intent of the legislature to allocate funding towards nutrient discharge reductions.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

(1) Each operator of a municipal wastewater sewerage system that discharges untreated sewage, partially treated sewage, or mixtures of untreated stormwater and sewage into state waters within the Puget Sound watershed must submit a report to the department by February 1st of each year, that summarizes these discharges from the system during the previous calendar year, in addition to the reporting that is required in individual national pollutant discharge elimination system permits. The report submitted to the department must identify the location of each discharge, the estimated volume of the discharge, the measured impacts to coliform levels and other water quality metrics from the pollution, and any beach closures or other impacts to recreational uses of state waters resulting from the discharge.

(2) By July 1st of each year, relying on the reports submitted to the department under subsection (1) of this section, the department must complete a summary report and provide the summary report to a diverse group of news media outlets in Washington, post the summary report on its website, and submit the summary report to the appropriate committees of the legislature consistent with RCW 43.01.036. The summary report must:

(a) Summarize the quantity and impacts of the preceding year's discharges of treated and untreated sewage into Puget Sound;

(b) Include the number of water body segments on the department's section 303(d) list relative to the total number of water body segments in Puget Sound; and

(c) Analyze the extent to which untreated discharges from municipal wastewater sewerage systems to Puget Sound contribute to the impairment and listing of section 303(d) water body segments in Puget Sound.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must continue, under its existing authorities, to:

(a) Provide technical assistance to local governments and other municipal wastewater treatment system operators discharging nutrients into Puget Sound in support of their efforts to reduce nutrient discharges into Puget Sound;

(b) Identify funding opportunities, including federal, state, and local public funds available for use for the purposes of this section;

(c) Assist municipal wastewater treatment system operators with water quality grant and loan opportunities;

(d) Take all appropriate steps to seek and apply for federal funds for which the department is eligible, and other grants, and accept donations; and

(e) Collaborate with the Puget Sound partnership and other applicable state agencies.

(2) Each year, the department is responsible for making grants for municipal wastewater nutrient discharge reduction projects within the funds appropriated by the legislature for this purpose. To the extent that appropriated moneys are not sufficient to fully fund all projects proposed by system operators, the department must distribute funds with prioritization given to projects that are:

(a) The most cost-effective at reducing nutrients in municipal wastewater discharge; and

(b) Capable of most expeditiously achieving nutrient reductions in municipal wastewater discharge.

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