
Environment & Energy Committee

HB 1365

Brief Description: Improving Puget Sound water quality.

Sponsors: Representatives Dye and Barkis.

Brief Summary of Bill

- Establishes the Office of Puget Sound Water Quality within the Department of Ecology (Ecology) to provide technical and financial assistance to municipal wastewater treatment facilities to reduce nutrient discharges into the Puget Sound.
- Requires annual reporting on each discharge of untreated sewage and stormwater by operators of municipal wastewater systems.
- Requires Ecology to produce and publicize an annual summary report of these discharges.

Hearing Date: 2/14/23

Staff: Megan McPhaden (786-7114).

Background:

Puget Sound Restoration.

The Puget Sound includes all salt waters of the State of Washington inside the boundary between Washington and British Columbia, salt waters east of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound. The Puget Sound Partnership was established as a state agency in 2007 to oversee the restoration of the environmental health of the Puget Sound by 2020. According to the Puget Sound Partnership's State of the Sound Report from 2021, very few indicators met their 2020 targets and marine water quality continues to decline.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Puget Sound Nutrient General Permit.

The federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to eliminate pollutant discharges into navigable waters. The CWA sets effluent limitations for discharges of pollutants to navigable waters. The Department of Ecology (Ecology) has received delegated authority from the United States Environmental Protection Agency (EPA) to carry out the CWA in Washington. As part of this responsibility, Ecology issues required National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits, except for federally-owned facilities and for permits on tribal lands. NPDES permits regulate discharges to surface water from commercial industry or publicly owned treatment works, also referred to as municipal wastewater treatment facilities. Categories of NPDES general permits include Nutrient General Permits, Municipal Stormwater General Permits, and Water Treatment Plant General Permits.

Ecology issued a first-of-its-kind five-year Puget Sound Nutrient General Permit, effective on January 1, 2022. According to Ecology, this permit is intended to address excess nitrogen, which is the main pollutant causing low oxygen levels in the Puget Sound, and can lead to fish mortality and impact other marine life. This permit applies to 58 wastewater treatment plants operating in 42 municipalities, and requires these covered municipal wastewater treatment plants to:

- monitor and report on discharges;
- implement a nitrogen optimization plan to evaluate strategies for maximizing nitrogen removal; and
- conduct a nutrient reduction evaluation, which includes planning for future facility upgrades.

Puget Sound Nutrient Reduction Grants Program.

The 2021-23 Capital Budget provided \$9 million for a Puget Sound Nutrient Reduction Grant Program administered by Ecology. Ecology must use the criteria of a facility's location, age, and immediacy of need to avoid a higher magnitude of contamination as criteria for evaluating and prioritizing the grants.

303(d) List.

Section 303(d) of the CWA requires states to prepare a list for EPA approval every two years of the specific water bodies or water body segments that do not meet state water quality standards, also known as the 303(d) list. Ecology collected data on water quality in 2022 and plans to evaluate the data and release a draft list of impaired waters for review in early 2024. A water body can be removed from the 303(d) list when the state develops a required Total Maximum Daily Load (TMDL), a water quality improvement process, to help clean it up, and the TMDL is approved by the EPA.

Summary of Bill:

Office of Puget Sound Water Quality.

The Office of Puget Sound Water Quality is established within the Department of Ecology (Ecology). The office is authorized to:

- provide technical assistance to local governments and other municipal wastewater treatment system operators to reduce their nutrient discharges into Puget Sound;
- identify funding opportunities, accept donations, and take all appropriate steps to seek and apply for grants and federal funds for which the office is eligible;
- assist municipal wastewater treatment operators with water quality grant and loan opportunities; and
- collaborate with the Puget Sound Partnership, programs within Ecology, and other state agencies.

Grants for Municipal Wastewater Treatment Facilities to Reduce Nutrient Discharges.

The Office of Puget Sound Water Quality is responsible for making grants each year for municipal wastewater nutrient discharge reduction projects. If there is not enough funding appropriated to fully fund all projects proposed by municipal wastewater treatment operators then Ecology must distribute funds by prioritizing projects that are: (1) the most cost-effective at reducing nutrients; and (2) capable of most quickly achieving nutrient reductions.

Reporting Discharges of Untreated Sewage and Stormwater.

Operators of municipal wastewater systems that discharge untreated sewage or untreated stormwater and sewage into state waters must submit a report to Ecology by February 1 every year. This report must cover discharges that occurred during the previous calendar year. The report must identify each discharge's location, estimated volume, and measured impacts to coliform levels and other water quality metrics. The report must also identify any resulting beach closures or other impacts to recreational uses from each discharge.

By July 1 of each year, Ecology must use the reports from municipal wastewater systems to complete a summary report. The summary report must include the number of water body segments on the 303(d) list compared to the total number of water body segments in the Puget Sound, and analyze how much the untreated discharges contribute to a water body being impaired and on the 303(d) list. Ecology must provide the report to major news media outlets in the state, post it on its website, and submit it to the appropriate committees of the Legislature.

Appropriation: None.

Fiscal Note: Available.

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