
Environment & Energy Committee

HB 2290

Brief Description: Providing funding for salmon recovery through a fee assessed on municipal discharges of untreated sewage into Puget Sound.

Sponsors: Representatives Dye, Wilcox, Chapman, Kretz, Barkis and Barnard.

Brief Summary of Bill

- Imposes a fee of 1 cent for every gallon of discharge contaminated by untreated sewage that a municipal sewer system or treatment plant releases into the Puget Sound or connected waters and requires the Department of Ecology to adopt related rules.

Hearing Date: 1/22/24

Staff: Zachary Blinkinsop (786-7296) and Megan McPhaden (786-7114).

Background:

Water Discharge Permits and Fees.

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. National Pollutant Discharge Elimination System permits regulate discharges to surface water from commercial industry or publicly owned treatment works, also referred to as

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municipal wastewater treatment facilities. Categories of NPDES general permits include Nutrient General Permits, Municipal Stormwater General Permits, and Water Treatment Plant General Permits.

Ecology administers a state program for discharge of pollutants to state waters. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged. Permits may require wastewater treatment or impose operating or other conditions, including monitoring, reporting, and spill prevention planning.

Ecology sets by rulemaking permit fees for municipalities to discharge waste from wastewater treatment facilities or sewage systems into state waters.

Discharge of Polluting Water.

It is unlawful for any person to discharge into the waters of the state any organic or inorganic matter that causes pollution according to Ecology unless that person has received a permit from Ecology. Violators are subject to a civil penalty of up to \$10,000 per day for every violation. The actual penalty is set in consideration of the violator's history and the seriousness of the violation.

Combined Sewer Overflow Systems.

Combined sewer overflow systems discharge untreated sewage mixed with stormwater to waterways. They receive overflow from treatment plants or combined sewers when the capacity of those treatment plants or combined sewers is exceeded during heavy rain events.

Wastewater Treatment Facilities.

Wastewater treatment facilities are facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater. Wastewater includes sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes that cause water quality degradation due to concentrations of pollutants. Wastewater must be treated before it can be discharged into a water of the state.

Salmon Recovery Account.

The Recreation and Conservation Office administers a Salmon Recovery Account (Account). Moneys in the Account may only be spent after appropriation and may only be used for salmon recovery.

Puget Sound.

The Puget Sound includes all salt waters of the State of Washington inside the boundary between Washington and British Columbia, and east of the Pacific Ocean and the Strait of Juan de Fuca,

and the rivers and streams draining to the Puget Sound.

Summary of Bill:

The Department of Ecology (Ecology) shall levy a fee of 1 cent for every gallon of discharge contaminated by untreated sewage that a municipal combined sewer overflow system or municipal wastewater treatment plant releases into the Puget Sound or a water body in hydrological continuity with the Puget Sound. This fee is separate from any other fee or civil penalty.

Ecology must adopt rules to implement this fee. Ecology must require that operators of municipal wastewater treatment plants and municipal combined sewer overflow systems within the Puget Sound watershed provide to Ecology annual aggregated reports of discharges into state waters of untreated sewage during the previous calendar year. Ecology must also devise a uniform method of calculating the gallons of untreated sewage content in discharges from combined sewer overflow systems for the purpose of assessing penalties.

Moneys collected from these fees must be deposited into the Salmon Recovery Account.

Appropriation: None.

Fiscal Note: Requested on January 13, 2024.

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