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**HOUSE BILL 1365**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Dye and Barkis

Read first time 01/17/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to improving Puget Sound water quality; adding a  
2 new section to chapter 90.48 RCW; adding a new section to chapter  
3 43.21A RCW; and creating a new section.

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

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

1 (2) Therefore, it is the intent of the legislature to expedite  
2 nutrient discharge reduction activities towards the achievement of  
3 nutrient-related water quality standards across Puget Sound.  
4 Furthermore, in order to ensure that the costs of these water quality  
5 improvements do not fall solely on local governments and utility  
6 ratepayers, it is the intent of the legislature to prioritize climate  
7 commitment act revenues towards nutrient discharge reductions.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48  
9 RCW to read as follows:

10 (1) Each operator of a municipal wastewater sewerage system that  
11 discharges untreated sewage or mixtures of untreated stormwater and  
12 sewage into state waters must submit a report to the department by  
13 February 1st of each year, covering the discharges from the system  
14 during the previous calendar year. The report submitted to the  
15 department must identify the location of each discharge, the  
16 estimated volume of the discharge, the measured impacts to coliform  
17 levels and other water quality metrics from the pollution, and any  
18 beach closures or other impacts to recreational uses of state waters  
19 resulting from the discharge.

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

27 (a) Summarize the impacts of the preceding year's discharges of  
28 untreated sewage into Puget Sound;

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

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

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A  
37 RCW to read as follows:

1 (1) The office of Puget Sound water quality is established within  
2 the department. The office of Puget Sound water quality has the  
3 authority to:

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

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

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

13 (d) Take all appropriate steps to seek and apply for federal  
14 funds for which the office of Puget Sound water quality is eligible,  
15 and other grants, and accept donations; and

16 (e) Collaborate with the Puget Sound partnership, programs within  
17 the department, and other applicable state agencies.

18 (2) Each year, the office of Puget Sound water quality is  
19 responsible for making grants for municipal wastewater nutrient  
20 discharge reduction projects. To the extent that appropriated moneys  
21 are not sufficient to fully fund all projects proposed by system  
22 operators, the department must distribute funds with prioritization  
23 given to projects that are:

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

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

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