

2 **SHB 1743** - S COMM AMD - S5444.1
3 By Committee on Ecology & Parks

4 ADOPTED 3/3/94

5 On page 1, line 5, after "follows:" strike everything through
6 "department." on page 2, line 16, and insert the following:

7 "(1) Not later than January 1, 1995, the department shall designate
8 an industry type and up to ten individual facilities within that
9 industry type to be the focus of a pilot multimedia program. The
10 program shall be designed to coordinate department actions related to
11 environmental permits, plans, approvals, certificates, registrations,
12 technical assistance, and inspections. The program shall also
13 investigate the feasibility of issuing facility-wide permits. The
14 director shall determine the industry type and facilities based on:

- 15 (a) A review of at least three industry types; and
- 16 (b) Criteria which shall include at least the following factors:
 - 17 (i) The potential for the industry to serve as a state-wide model
 - 18 for multimedia environmental programs including pollution prevention;
 - 19 (ii) Whether the industry type is subject to regulatory
 - 20 requirements relating to at least two of the following subject areas:
21 Air quality, water quality, or hazardous waste management;
 - 22 (iii) The existence within the industry type of a range of business
23 sizes; and
 - 24 (iv) Voluntary participation in the program.

25 (2) Not later than January 1, 1997, the department shall submit to
26 the governor and the appropriate standing committees of the
27 legislature:

- 28 (a) A report evaluating the pilot multimedia program. The report
29 shall consider the program's effect on the efficiency and effectiveness
30 of program delivery and shall evaluate the feasibility of expanding the
31 program to other industry types; and
- 32 (b) A report analyzing the feasibility of a facility-wide permit
33 program.

34 (3) In developing the program, the department shall consult with
35 and seek the cooperation of the environmental protection agency.

36 (4) For purposes of this section, "facility-wide permit" means a
37 single multimedia permit issued by the department to the owner or

1 operator of a facility incorporating the permits and any other relevant
2 department approvals previously issued to the owner or operator or
3 currently required by the department."

4 **SHB 1743** - S COMM AMD - S5445.1
5 By Committee on Ecology & Parks

6 ADOPTED 3/3/94

7 On page 2, after line 16, insert the following:

8 NEW SECTION. **Sec. 2.** The purpose of sections 2 through 6 of this
9 act is to establish a pilot program to encourage environmental permit
10 program efficiency and pollution prevention through increased private
11 sector participation in the preparation of wastewater discharge permits
12 and performance of wastewater discharge permit compliance assurance
13 activities currently administered by the department of ecology.

14 The legislature recognizes that pollution prevention can often be
15 accomplished through cooperative partnerships between government and
16 industry and through voluntary changes in industrial production
17 methods. By utilizing expertise available in the private sector, the
18 pilot program provided for in sections 2 through 6 of this act is
19 intended to reduce the backlog of expired wastewater discharge permits
20 and increase the frequency of compliance assurance activities in order
21 to better protect the water quality of the state.

22 The legislature intends that the pilot program be implemented
23 without an increase in government expenditures. The legislature also
24 intends that the pilot program be implemented through the use of
25 technical assistance and administrative guidelines. It is not the
26 intent of this act to authorize additional rule making.

27 The provisions in this act do not affect the authority of the
28 department to bring enforcement actions, nor do they affect provisions
29 in existing law for public participation and rights of appeal of permit
30 decisions.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
32 to read as follows:

33 (1) For the period beginning July 1, 1994, and ending July 1, 1996,
34 the department shall conduct a pilot program to test the feasibility
35 and effectiveness of allowing certain industries which require a

1 permit, renewal, or modification under RCW 90.48.260 to submit a draft
2 permit and fact sheet in lieu of an application form.

3 (2) In implementing the pilot program, the department shall:

4 (a) Establish criteria for types of applicants that are eligible to
5 submit draft permits and fact sheets. Such criteria shall include:

6 (i) Consideration of the applicant's compliance history; and

7 (ii) The potential for the industry to serve as a model for
8 increased private sector participation in permit preparation;

9 (b) Develop guidelines specifying the elements of a complete draft
10 permit and fact sheet;

11 (c) Make available a list of approved contractors with whom
12 applicants may contract for draft permit preparation; and

13 (d) Document cost and time savings resulting from draft permit
14 preparation by applicants and reflect these savings in the next
15 revision of permit fees for such applicants. Any reduction in fees for
16 permittees participating in the pilot program shall not cause an
17 increase in fees for other permittees.

18 Nothing in this section affects the requirements for public
19 participation and right of appeal under RCW 90.48.260 and chapter
20 43.21B RCW. The department shall retain full authority under this
21 chapter to approve, modify, or disapprove any draft permit or fact
22 sheet submitted under this section.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW
24 to read as follows:

25 (1) Beginning July 1, 1994, and ending July 1, 1996, the department
26 shall conduct a pilot program to test the feasibility and effectiveness
27 of allowing industrial permittees to contract with private consultants
28 for the performance of annual compliance inspections required of major
29 dischargers under federal law. As part of the program, the department
30 shall allow at least ten major dischargers to contract directly with a
31 consultant identified pursuant to subsection (2) of this section for
32 the performance of annual compliance inspections.

33 (2) The department shall:

34 (a) Upon request of a permittee, approve individual permittees who
35 are eligible to hire contractors for compliance inspections. In making
36 this determination, the department shall consider the permittee's
37 compliance history and the potential for the facility to serve as a
38 model for private sector cooperation in pollution prevention;

1 (b) Make available a list of approved contractors with whom
2 permittees may contract for compliance inspections. Before receiving
3 approval from the department, such firms shall sign an agreement with
4 the department stating that: (i) They will be available to participate
5 in any legal proceedings that may arise as a result of conducting such
6 inspections for four years after the inspection; and (ii) they will not
7 accept employment for purposes other than conducting inspections with
8 any firm they or their business have inspected for four years after the
9 final report of the inspection; and

10 (c) Document the time and cost savings resulting from privately
11 contracted inspections and reflect these savings in the next revision
12 of permit fees for such permittees. Any reduction in fees for
13 permittees participating in the pilot program shall not cause an
14 increase in fees for other permittees.

15 (3) To be eligible under this section, the discharger shall agree
16 that the information obtained as part of compliance inspections
17 contracted pursuant to this section shall not be subject to attorney-
18 client privilege. The report of such inspections shall be submitted
19 concurrently to both the permittee and the department.

20 (4) Nothing in this section affects the authority of the department
21 to bring enforcement actions under this chapter.

22 NEW SECTION. **Sec. 5.** By July 1, 1995, the department shall
23 provide an interim report to the legislature evaluating the
24 effectiveness of the pilot program authorized in sections 3 and 4 of
25 this act. A final report shall be submitted by December 1, 1996.

26 NEW SECTION. **Sec. 6.** If any part of this act is found to be in
27 conflict with federal requirements, the conflicting part of this act is
28 inoperative solely to the extent of the conflict and with respect to
29 the agencies directly affected, and this finding does not affect the
30 operation of the remainder of this act in its application to the
31 agencies concerned."

1 **SHB 1743** - S COMM AMD - S5445.1
2 By Committee on Ecology & Parks

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4 On page 1, line 1 of the title, after "prevention;" strike the
5 remainder of the title and insert "adding a new section to chapter
6 70.95C RCW; adding new sections to chapter 90.48 RCW; and creating new
7 sections."

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