

HOUSE BILL REPORT

SHJM 4036

As Passed House:

February 11, 2004

Brief Description: Requesting federal funding to help implement certain Clean Water Act requirements.

Sponsors: By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Chase, Morrell and Kagi).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/28/04, 2/3/04 [DPS].

Floor Activity:

Passed House: 2/11/04, 95-0.

Brief Summary of Substitute Bill

- Requests federal funding for state and local governments to implement the municipal storm water permit requirements of the federal Clean Water Act.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Staff: Caroleen Dineen (786-7156).

Background:

The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate wastewater discharges from point sources to surface waters. "Point sources" are defined generally as discernable, discrete, and confined conveyances from which pollutant discharges can or do occur. Storm water is a point source under the federal CWA. The United States Environmental Protection Agency (EPA) has delegated NPDES permit authority in Washington to the

Washington Department of Ecology (DOE).

The NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface waters. These permits place limits on the quantity and concentrations of contaminants that may be discharged and may require wastewater treatment or impose operating or other conditions. The NPDES permits are valid for five years but may be renewed.

The federal CWA and implementing EPA storm water regulations established two phases for NPDES permit issuance to control storm water discharges from various entities. Phase I permits were issued to cover storm water discharges from certain industries, construction sites involving five or more acres, and municipalities operating municipal separate storm sewer systems (MS4s) with a population greater than 100,000. Public entities covered under Phase I include King County, Pierce County, Snohomish County, Clark County, City of Seattle, City of Tacoma, and the Washington Department of Transportation facilities in the named jurisdictions.

Phase II NPDES permits are required for construction sites disturbing between one and five acres and for municipalities with greater than 1,000 population that operate MS4s discharging to surface waters, are located in "census defined urbanized areas" as defined in federal regulations, and meet certain criteria.

The federal regulations required Phase II jurisdictions to apply for a storm water permit by March 2003. Before that deadline the DOE made a NPDES permit application available to potential Phase II jurisdictions. During 2003 the DOE also established two MS4 permit advisory committees (one for eastern Washington and one for western Washington) to assist it in developing recommendations for development of the MS4 permit for Phase II jurisdictions. The DOE submitted a report to the Legislature in January 2004 regarding the advisory groups' efforts and the DOE's recommendations.

State law requires annual permit fees for the water pollution control permit program to be established to fully recover but not exceed expenses of the program. Program expenses include permit processing, monitoring, compliance, evaluation, inspection, and overhead costs.

Summary of Substitute Bill:

The Legislature requests that the federal government provide the state of Washington and Washington cities and counties with adequate funding to fully implement the MS4 permit requirements of the federal CWA and its implementing regulations. The Legislature provides some background on federal CWA implementation in Washington and recognizes the importance of effective storm water management. The Legislature also identifies some actual and projected costs of compliance with these federal requirements

in making the request for federal funding.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: Storm water is an emerging environmental and economic issue. This bill recognizes that the new federal requirements come with significant costs that should be paid by the federal government. Local governments have been hit hard financially by the constituent tax revolt, and citizens do not want to pay for additional bureaucracy. If clean water is a federal priority, the federal government should fund local storm water programs. Even if this bill is successful, the state should pay half the local costs of implementing the federal requirements until the federal government begins to provide funding.

Testimony Against: None.

Persons Testifying: Ross Dunfee, Benton County Public Works; and Dick Wallace, Washington State Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.