

# SENATE BILL REPORT

## SB 6562

---

As Reported By Senate Committee On:  
Natural Resources, Energy & Water, February 5, 2004

**Title:** An act relating to water pollution control.

**Brief Description:** Limiting pollution in urban storm water runoff.

**Sponsors:** Senators Mulliken and Parlette.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 1/30/04, 2/5/04 [DP, DNP].

---

### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

**Minority Report:** Do not pass.

Signed by Senators Doumit, Fraser and Regala.

**Staff:** Evan Sheffels (786-7486)

**Background:** A combination of federal, state, and local laws govern storm water management in Washington. The water quality implications of storm water runoff are addressed in the federal Clean Water Act. State water pollution control statutes also regulate water quality aspects of storm water management.

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. The United States Environmental Protection Agency (EPA) has delegated authority to the Washington Department of Ecology (DOE) to issue NPDES permits. The federal CWA and implementing EPA storm water regulations established two phases for NPDES permits to control storm water discharges from certain industries and construction sites, and from municipalities operating municipal separate storm sewer systems (MS4s) within certain urban or "census defined urbanized areas."

In addition to NPDES permit responsibilities, DOE administers a state program regulating discharges from certain commercial, industrial, or municipal operations to ground or to publicly-owned treatment plants. Washington statute requires all pollution dischargers to use all known, available, and reasonable treatment methods to prevent and control water pollution.

Local governments have responsibility under federal and state law to manage storm water and authority under state law to construct and operate storm water management systems. Local governments may be subject to storm water management regulations through both the federal NPDES permit program and state pollution discharge permits.

Annual permit fees must be established to fully recover but not exceed permit program expenses, including permit processing, monitoring, compliance, evaluation, inspection, and overhead costs. Local governments may impose rates and charges for storm water control facilities and services.

**Summary of Bill:** An exception is added for urban storm water runoff regarding certain state-based water pollution discharge standards, including the requirement to use all known available and reasonable methods to prevent and control surface water pollution.

For the purposes of storm water runoff, state water pollution control requirements and discharge prohibitions are to be administered according to EPA administrator determinations of appropriateness under EPA storm water regulations and guidance based on such regulations.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Comments: Defining "maximum extent practicable" as something other than AKART makes sense, though it does make sense to go somewhat beyond federal minimums--for instance, census defined areas not officially "urbanized" but with lots of industry activity and storm water issues. It makes sense to include that or you get downstream problems. In the dry parts of eastern Washington, they see this as a costly and unnecessary paper shuffling exercise.

**Testimony Against:** It is best to have state latitude to customize and reflect climate differences between eastern and western Washington. This requires EPA action, and EPA may not consider differences in geography if it administers the program; one-third of 303(d) listed water bodies list storm water as the primary pollution cause. Concern: storm water flows downhill to the state's aquatic lands, and can be harmful if pollution is not adequately addressed. The federal minimum standards were not meant to be comprehensive; those that share the same water bodies should be treated the same.

**Testified:** Dick Wallace, WA Ecology (con); Bruce Wishart, People For Puget Sound (con); Loren Stern, DAR (concerns); Sue Joerock, Puget Sound Keepers Alliance (con); Phill Parker, WA State Assn. of Counties (pro); Kristine Holm, Assn. WA Business (concerns).