
HOUSE JOINT MEMORIAL 4036

State of Washington 58th Legislature 2004 Regular Session

By Representatives Linville, Rockefeller, Chase, Morrell and Kagi

Read first time 01/20/2004. Referred to Committee on Agriculture & Natural Resources.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF THE
5 UNITED STATES DEPARTMENT OF THE INTERIOR, AND TO THE ADMINISTRATOR OF
6 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

7 We, your Memorialists, the Senate and House of Representatives of
8 the State of Washington, in legislative session assembled, respectfully
9 represent and petition as follows:

10 WHEREAS, The federal Clean Water Act sets a national goal to
11 restore and maintain the chemical, physical, and biological integrity
12 of the nation's waters and to eliminate pollutant discharges into
13 navigable waters; and

14 WHEREAS, The federal Clean Water Act requires states to adopt water
15 quality standards to protect fish and other aquatic life as well as
16 humans using water for recreation, drinking water, and fishing; and

17 WHEREAS, The Washington Department of Ecology reports that
18 currently one-third of the state's water bodies fail to meet these
19 state water quality standards; and

1 WHEREAS, The federal Clean Water Act also establishes the National
2 Pollutant Discharge Elimination System (NPDES) permit system, which
3 regulates wastewater discharges from point sources to surface waters to
4 limit the quantity and concentrations of contaminants discharged; and

5 WHEREAS, The federal Clean Water Act identifies storm water as a
6 point source of pollution, thus requiring a NPDES storm water discharge
7 permit system; and

8 WHEREAS, The federal Clean Water Act and implementing regulations
9 adopted by the federal Environmental Protection Agency established two
10 phases for NPDES permits to control storm water discharges from various
11 entities; and

12 WHEREAS, The Phase I NPDES permits were issued to cover storm water
13 discharges from certain industries, construction sites involving five
14 or more acres, and municipalities operating municipal separate storm
15 sewer systems with a population greater than one hundred thousand; and

16 WHEREAS, Public entities subject to the Phase I NPDES permit
17 program in Washington include two cities, four counties, and the
18 Washington State Department of Transportation; and

19 WHEREAS, The Washington Department of Ecology, the state agency
20 delegated authority by the United States Environmental Protection
21 Agency to administer the federal NPDES permit program in this state,
22 estimates the cost of compliance with the Phase I municipal storm water
23 requirements is more than ten million dollars per year for cities and
24 counties in Washington that are subject to these requirements; and

25 WHEREAS, The federal Phase II NPDES permit requirements apply to
26 construction sites disturbing between one and five acres and to smaller
27 municipalities operating municipal separate storm sewer systems that
28 are located in census defined urbanized areas and meet certain
29 criteria; and

30 WHEREAS, The Washington Department of Ecology has identified more
31 than one hundred cities and counties in Washington required to comply
32 with the federal Phase II municipal storm water requirements; and

33 WHEREAS, The Washington Department of Ecology estimates that
34 compliance with the federal Phase II municipal storm water regulations
35 estimates will cost affected Washington cities and counties more than
36 thirty million dollars per year; and

37 WHEREAS, The State of Washington and its cities, counties,

1 businesses, and residents have been working to reduce storm water
2 pollution in this state and have made progress in reducing pollution
3 associated with urban storm water; and

4 WHEREAS, Continued improvement in addressing pollution associated
5 with storm water runoff is critical for compliance with federal Clean
6 Water Act requirements and for the viability of the state's shellfish
7 industry and commercial and recreational fishing industries as well as
8 for the availability of recreational opportunities and high quality of
9 life for the state's residents; and

10 WHEREAS, Compliance with the federal municipal storm water
11 requirements has already cost and will continue to cost Washington's
12 state and local governments many millions of dollars; and

13 WHEREAS, The continued cost of compliance with these federal
14 requirements is an increasingly significant burden for Washington's
15 state and local governments, which face very difficult fiscal
16 situations and limited funding to implement all mandated activities;
17 and

18 WHEREAS, Compliance with the permitting requirements for municipal
19 separate storm sewer systems under the federal Clean Water Act and the
20 federal Environmental Protection Agency's implementing regulations
21 represent a federally unfunded mandate on Washington's state and local
22 governments;

23 NOW, THEREFORE, Your Memorialists respectfully pray that the United
24 States Congress provide the State of Washington and its cities and
25 counties with adequate funding to fully implement the permit
26 requirements for municipal separate storm sewer systems established by
27 the federal Clean Water Act and the implementing regulations adopted by
28 the federal Environmental Protection Agency.

29 BE IT RESOLVED, That copies of this Memorial be immediately
30 transmitted to the Honorable George W. Bush, President of the United
31 States, the Secretary of the United States Department of the Interior,
32 the Administrator of the United States Environmental Protection Agency,
33 the President of the United States Senate, the Speaker of the House of
34 Representatives, and each member of Congress from the State of
35 Washington.

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