
SUBSTITUTE HOUSE JOINT MEMORIAL 4036

State of Washington 58th Legislature 2004 Regular Session

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

READ FIRST TIME 02/05/04.

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

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

4 WHEREAS, The federal Clean Water Act and implementing regulations
5 adopted by the federal Environmental Protection Agency established two
6 phases for NPDES permits to control storm water discharges from various
7 entities; and

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

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

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

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

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

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

33 WHEREAS, The State of Washington and its cities, counties,
34 businesses, and residents have been working to reduce storm water
35 pollution in this state and have made progress in reducing pollution
36 associated with urban storm water; and

37 WHEREAS, Continued improvement in addressing pollution associated
38 with storm water runoff is critical for compliance with federal Clean

1 Water Act requirements and for the viability of the state's shellfish
2 industry and commercial and recreational fishing industries as well as
3 for the availability of recreational opportunities and high quality of
4 life for the state's residents; and

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

8 WHEREAS, The continued cost of compliance with these federal
9 requirements is an increasingly significant burden for Washington's
10 state and local governments, which face very difficult fiscal
11 situations and limited funding to implement all mandated activities;
12 and

13 WHEREAS, Compliance with the permitting requirements for municipal
14 separate storm sewer systems under the federal Clean Water Act and the
15 federal Environmental Protection Agency's implementing regulations
16 represent a federally unfunded mandate on Washington's state and local
17 governments;

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

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

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