
Environment & Energy Committee

HB 2507

Brief Description: Addressing illicit discharges of wastewater pollution.

Sponsors: Representatives Irwin, Barkis, Chambers, Fitzgibbon, Walsh, MacEwen, Griffey, Leavitt, Gildon and Graham.

Brief Summary of Bill

- Requires cities and counties that are municipal stormwater permit holders to develop a program to prevent illicit discharges from recreational vehicles and other motor vehicles likely to have wastewater storage capacity.
- Requires cities with a population of at least 600,000 to make low-cost vehicle wastewater pump-out facilities or services available if similar private services or facilities are not available and encourages smaller cities to make such facilities or services available.
- Authorizes the use of city and county stormwater fees to coordinate and provide low-cost or no-cost wastewater disposal services for vehicles used as residences.
- Authorizes the Department of Ecology (Ecology) and Washington State Patrol to enforce restrictions on the parking of wastewater-containing vehicles that represent a substantial potential to pollute under state water quality laws.
- Directs Ecology to contract for a study on the impacts of illicit discharges of domestic wastewater on water quality and Puget Sound species.

Hearing Date: 1/20/20

Staff: Jacob Lipson (786-7196).

Background:

Municipal Stormwater Discharge Permits.

Washington state law authorizes the Department of Ecology (Ecology) to implement the federal Clean Water Act's discharge program and state water pollution control laws. Through these

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programs, Ecology is authorized to issue federal and state water quality permits for persons, including local governments, that discharge to state waters.

Municipal stormwater permits issued by Ecology authorize stormwater discharges to surface and ground waters of the state and vary in form depending on the size and density of the regulated municipality and impairment levels of receiving water bodies. There are 120 cities and counties in Washington that currently hold municipal stormwater permits (permittees). Permittees must fulfill certain stormwater prevention and management responsibilities enumerated in the permit. Permittee responsibilities include requirements to detect illicit stormwater discharges and to report either immediately or upon learning of a discharge incident to Ecology for all:

- illicit discharges into municipal stormwater systems that could constitute a threat to human health or the environment; and
- discharges from municipal stormwater systems that may cause or contribute to a threat to human health or the environment or that are causing a violation of water quality standards.

Illicit discharges that do not constitute a threat to human health or the environment or that do not cause or contribute to a violation of water quality standards must be reported to Ecology on an annual basis.

Department of Ecology Clean Water Enforcement Authority.

State water pollution control laws specify civil penalties for persons who violate the terms or conditions of a NPDES permit, conduct a commercial or industrial operation or other point-source discharge operation without a required permit, or improperly discharge polluting matters in waters.

If, in the opinion of Ecology, a person violates or creates a substantial potential to violate water quality standards, then the Department must notify the person of the determination by registered mail. The recipient of a letter has 30 days to report to Ecology the steps that are being taken to control the pollution or otherwise comply with the determination of Ecology. Ecology may order immediate action to be taken by a letter recipient if immediate action is necessary.

Civil penalties for violating water pollution controls include fines of up to \$10,000 per day per violation. Imposed penalties may be appealed to the Pollution Control Hearings Board within 30 days after receipt of the penalty notice by the applicable person.

Local Government Stormwater Fees.

The legislative authority of a county may fix rates and charges to raise revenues for the furnishing of service from those served or receiving benefits from stormwater control facilities. County stormwater rates and charges may only be used to pay for:

- the maintenance and operation of stormwater control facilities;
- planning, designing, establishing, acquiring, developing, constructing, and improving stormwater facilities; and
- to pay for bonds issued for stormwater control purposes.

Cities and towns may construct and operate sewerage systems, including storm and surface water sewer systems, and may control the rates and charges for their use.

Summary of Bill:

Local Illicit Discharge Programs for Vehicles with Wastewater Storage Capacity.

As a supplementary component of municipal stormwater permits, cities or counties that are required to obtain a municipal stormwater general permit (permittees) must establish a program to prevent illicit discharges into municipal stormwater systems and connected waters from vehicles with wastewater storage capacity. The programs established by permittees must include the identification and reporting to the Department of Ecology (Ecology) of locations where there is a substantial potential of pollution, which is presumed to exist when a vehicle with domestic wastewater storage capacity is allowed to park overnight or is located at a site where the permittee has observed or received reports on three or more instances in a single week that recreational vehicles and other motor vehicles likely to have wastewater storage capacity are located on a public street, right-of-way, or parking lot not intended for overnight parking (high concentrations of wastewater vehicles).

Permittees may:

- enact ordinances to prohibit high concentrations of wastewater-containing vehicles or overnight parking of recreational vehicles with wastewater storage capacity in portions of a jurisdiction covered by a municipal stormwater permit that are served by stormwater infrastructure that connects directly to state waters without pretreatment of discharge;
- conduct outreach targeted at persons that own, operate or inhabit a vehicle in violation of an adopted ordinance, including the provision of information regarding the location of nearby facilities and services allowing for the disposal of wastewater;
- notify a person who owns, operates, or inhabits a vehicle in violation of an adopted ordinance that there is a substantial potential of pollution from the vehicle. Upon notification by a permittee, the person must cease parking the vehicle in the targeted portion of the jurisdiction or file a receipt or other credible evidence demonstrating the use of available legal wastewater disposal options. Violations of these requirements are a class 3 civil infraction subject to penalties of up to \$50.

Each city with a population of at least 600,000 must either:

- make available and post information on its website regarding facilities or services allowing for low-cost or no-cost disposal of domestic wastewater from recreational vehicles and other vehicles with wastewater storage tanks; or
- post information on its website related to privately-operated low-cost or no-cost wastewater pump-out services or facilities.

Other cities and counties are encouraged to make such services available.

Cities and counties may use stormwater fees charged by the jurisdiction to provide low-cost or no-cost wastewater disposal services for vehicles used as residences.

State Illicit Discharge Enforcement and Outreach Responsibilities.

Ecology must:

- compile and make available a list of locations where the pump-out of domestic wastewater from vehicles is made available at low cost or no cost;
- investigate water quality impacts associated with concentrations of wastewater-containing vehicles that permittees report to Ecology; and

- take appropriate action to stop illicit discharges and mitigate negative impacts of illicit discharges.

Ecology and the Washington State Patrol (WSP) are authorized to enforce provisions addressing illicit discharges from vehicles by notifying a person who owns, operates, or inhabits a vehicle with wastewater storage capacity parked overnight or in a high concentration of wastewater-containing vehicles that there is a substantial potential of violation of water quality laws if the vehicle is in a parking lot, highway, or right-of-way that is served by stormwater infrastructure that connects directly to state waters without pretreatment of discharge. This notification is specified to follow a similar process to the enforcement process authorized for permittees. The WSP or Ecology may issue civil penalties of up to \$50 after going through the notification process.

Illicit Discharge Impact Study.

Ecology must contract to carry out a study of water quality impacts and impacts to salmon and steelhead caused by illicit discharges from recreational vehicles or other vehicles with wastewater storage capacity used as residences and parked on public property. The study must identify impacts of common types of pollutants and must be designed to indicate whether illicit discharges represent a problematic source of pollutants to Puget Sound organisms and southern resident killer whales. Ecology must submit the study and recommendations to the Legislature by December 1, 2020.

Appropriation: None.

Fiscal Note: Requested on January 14, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.