

SENATE BILL REPORT

ESSB 6166

As Passed Senate, January 31, 1996

Title: An act relating to protection of Puget Sound.

Brief Description: Changing the name and functions of the Puget Sound Water Quality Authority.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Swecker, Fairley and Winsley).

Brief History:

Committee Activity: Ecology & Parks: 1/10/96, 1/18/96 [DPS].
Passed Senate, 1/31/96, 34-14.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Gary Wilburn (786-7453)

Background: The Puget Sound Water Quality Authority was created by the Legislature in 1985. The Authority's principal purpose is to develop a comprehensive plan for the protection and cleanup of Puget Sound, applicable to the hundreds of local, regional and state jurisdictions within the Puget Sound basin. The Authority comprises 11 members: nine citizen members appointed by the Governor, the director of the Department of Ecology, and the Public Lands Commissioner serving ex officio. Three of the citizen members are to represent cities, counties and tribal governments. The Ecology Department director chairs the Authority. The Authority's 1993-1995 biennial operating budget was \$2.5 million, with approximately 19 FTE staff. It administers another \$1.7 million per biennium in grants to local governments and citizen groups. For the 1995-97 biennium, the Legislature provided \$1.3 million for one year to the Department of Ecology to carry out the Puget Sound programs under Chapter 90.70 RCW. The Governor directed that this funding be transferred by interagency agreement to the Authority.

The initial Puget Sound Water Quality Management Plan was adopted in 1986, and revised in 1989, 1991 and 1994. The plan contains numerous elements, addressing subjects such as nonpoint source pollution, municipal and industrial discharges, contaminated sediments, stormwater and combined sewer overflows, spill prevention and response, wetlands protection, research and monitoring. The plan developed by the Authority is to be implemented by appropriate state and local agencies subject to available funding.

Other duties of the Authority include: implementation of a Puget Sound long-term monitoring program (authorized in 1990); periodic reporting on the state of the Sound, the status of plan implementation, and state and local actions affecting the Sound; review of state agency budgets relating to Puget Sound; making recommendations to the Governor and Legislature; encouraging research on Puget Sound's water quality; and administering a public involvement and education program.

Originally scheduled for sunset in 1991, the Legislature reauthorized the Authority in 1990 until June 30, 1995. The reauthorizing legislation expanded the Authority membership, required its offices to be located in Olympia within the Department of Ecology, and clarified that the plan was to be implemented by appropriate agencies subject to available funding. The legislation also required the Governor's proposed biennial budget to identify Puget Sound funding levels, and directed the Authority to prepare a strategy for implementing the plan that includes setting priorities. The Legislature also directed that, notwithstanding the agency's sunset, the plan was to continue and be the responsibility of such entities as provided by the Legislature.

The Legislative Budget Committee completed its latest sunset review of the Authority in September, 1994. It recommended continuation of the Authority and consideration of changing the composition of the Authority to include industrial discharger representation. It also recommended legislative changes to focus the Authority upon plan implementation, to de-emphasize plan revisions, and omit unnecessary reporting requirements.

Summary of Bill: A new sunset date of the year 2001 is established for the Authority. Legislative findings are made regarding the need to emphasize plan implementation, technical assistance, coordinated research and education, and long-term monitoring of Puget Sound.

The Authority must select a chair, replacing the requirement that the Ecology Department director serve as chair. The requirement that appointed members be selected from each congressional district around the Sound is replaced by a requirement that the appointments reflect geographical balance and population diversity, and include representation from the business and environmental communities.

Deleted are requirements that the Authority prepare a budget and work plan, and annual progress reports on plan implementation to the Governor and the Legislature. By December 1, 1996, the Authority is required to review its reporting and documentation requirements, with the objective of eliminating and modifying the requirements to reduce costs and improve efficiency.

The Authority is to serve the needs of state, local and tribal governments in plan implementation by providing technical assistance and seeking state and federal incentives for local comprehensive strategies such as financial assistance and regulatory flexibility. The Authority also is required to provide dispute resolution services to achieve coordinated plan implementation.

The planning cycle is extended to six years from four years. The Authority is directed to develop and track quantifiable performance measures for improving and protecting Puget Sound water quality and biological resources. State agencies must assist the Authority in developing the measures which are to be developed by June 30, 1997. The Authority's

biennial State of the Sound report must include an assessment of plan implementation based upon an evaluation of the performance measures.

The Authority is to ensure implementation of the Puget Sound ambient monitoring program, and specific duties regarding the program are enumerated.

Appropriation: None.

Fiscal Note: Requested January 5, 1996.

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

Testimony For: Reauthorizing the Authority will help to ensure effective and coordinated implementation of the Puget Sound Plan. The Authority serves an important function in providing technical assistance to local governments and others, maintains the ambient monitoring program, and will keep the plan updated as needs and conditions change.

Testimony Against: The Authority's responsibility in developing the Puget Sound Plan has been fulfilled, and there is not a need for continuing the agency.

Testified: Robert M. Gunn, Puget Soundkeeper Alliance (pro); Tim Smith, Pacific Coast Oyster Growers (pro); Trent House, AWB (con); Fred Hellberg, Governor's Office (pro); Scott Merriman, WA Environmental Council (pro); Bruce Wishart, Sierra Club (pro); Gary Lowe, Assn. of Counties (pro).