

ESHB 1689 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED AS AMENDED 04/16/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to provide
4 direction to the department of ecology and to municipalities regarding
5 the development and implementation in Washington of phase two of the
6 national pollutant discharge elimination system permit program required
7 by the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

8 NEW SECTION. **Sec. 2.** (1) The department of ecology shall
9 establish a permit development advisory group for the geographic areas
10 draining to Puget Sound in western Washington to advise and assist the
11 department regarding permits for municipal separate storm sewer
12 systems. The permit development advisory group, which may include up
13 to eighteen members, of which at least half shall be representatives of
14 local government, shall:

15 (a) Review and address the issues specified in section 5 of this
16 act and any other issues regarding municipal separate storm sewer
17 systems for which the department of ecology requests advice and
18 assistance; and

19 (b) Advise and assist the department of ecology in drafting a
20 permit or permits for municipal separate storm sewer systems in western
21 Washington as required by federal regulations implementing phase two of
22 the national pollutant discharge elimination system permit program
23 under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

24 (2) This section expires June 30, 2005.

25 NEW SECTION. **Sec. 3.** (1) The department of ecology shall develop
26 a municipal separate storm sewer system permit or permits that address
27 the issues and needs of municipalities operating these systems in
28 eastern Washington. The department shall use the existing storm water

1 advisory group it has established in eastern Washington to advise and
2 assist the department regarding permits for municipal separate storm
3 sewer systems to be issued in eastern Washington. The eastern
4 Washington storm water advisory group shall:

5 (a) Review and address the issues specified in section 5 of this
6 act as they pertain to eastern Washington and any other issues
7 regarding municipal separate storm sewer systems for which the
8 department of ecology requests advice and assistance; and

9 (b) Assist and advise the department of ecology in drafting a
10 permit or permits for municipal separate storm sewer systems in eastern
11 Washington as required by federal regulations implementing phase two of
12 the national pollutant discharge elimination system permit program
13 under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

14 (2) This section expires June 30, 2005.

15 NEW SECTION. **Sec. 4.** (1) The department of ecology shall
16 establish a permit development advisory group for the coastal and
17 southwest areas in western Washington to advise and assist the
18 department regarding permits for municipal separate storm sewer
19 systems. The permit development advisory group shall:

20 (a) Review and address the issues specified in section 5 of this
21 act and any other issues regarding municipal separate storm sewer
22 systems for which the department requests advice and assistance; and

23 (b) Advise and assist the department in drafting a permit or
24 permits for municipal separate storm sewer systems in coastal and
25 southwest Washington as required by federal regulations implementing
26 phase two of the national pollutant discharge elimination system permit
27 program under the federal clean water act (33 U.S.C. Sec. 1251 et
28 seq.).

29 (2) This section expires June 30, 2005.

30 NEW SECTION. **Sec. 5.** (1) The permit development advisory group
31 for Puget Sound areas in western Washington established in section 2 of
32 this act, the eastern Washington storm water advisory group identified
33 in section 3 of this act, and the permit development advisory group for
34 coastal and southwest areas in western Washington established in
35 section 4 of this act shall review and make recommendations to the

1 department of ecology regarding the development of permits for
2 municipal separate storm sewer systems. Issues considered by these
3 groups shall include the:

4 (a) Types of discharges being regulated under these permits;

5 (b) Areas being regulated by these permits under phases one and two
6 of the federal national pollutant discharge elimination system permit
7 program as they relate to municipal borders;

8 (c) Issuance of these permits on a watershed basis;

9 (d) Integration of permits and permit requirements for phase one
10 and phase two of the federal national pollutant discharge elimination
11 system permit program;

12 (e) Application of these permits to ground water discharges;

13 (f) Level of effort required of municipalities to satisfy permit
14 requirements regarding:

15 (i) Public education and outreach;

16 (ii) Public participation and public involvement;

17 (iii) Illicit discharge detection and elimination;

18 (iv) Construction site runoff control;

19 (v) Postconstruction runoff control;

20 (vi) Pollution prevention and good housekeeping;

21 (vii) Implementation of applicable total maximum daily loads; and

22 (viii) Program evaluation and reporting;

23 (g) Protection for shellfish areas;

24 (h) Costs and benefits associated with each permit element not
25 required under federal law;

26 (i) The use of land use planning and existing land use plans and
27 rules as a best management practice for storm water management; and

28 (j) Potential funding sources for implementation of permit
29 requirements.

30 (2) This section expires June 30, 2005.

31 NEW SECTION. **Sec. 6.** (1) No later than December 1, 2003, the
32 department of ecology shall submit a progress report regarding the work
33 of the western Washington permit development advisory group established
34 in section 2 of this act and the eastern Washington storm water
35 advisory group identified in section 3 of this act to the appropriate
36 committees of the legislature.

1 (2) After the permits are developed but no later than December 1,
2 2004, the department of ecology shall submit a final report to the
3 appropriate committees of the legislature regarding these permits and
4 the work of the advisory groups. The department shall also identify
5 any legislative recommendations from these groups or from the
6 department based on the work of these groups."

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7 On page 1, line 2 of the title, after "permits;" strike the
8 remainder of the title and insert "creating new sections; and providing
9 expiration dates."

EFFECT: The Department of Ecology is required to establish phase II storm water permit drafting advisory groups for three regions: Eastern Washington, western Washington areas draining to Puget Sound, and coastal and southwestern areas of the state not draining into Puget Sound. These groups are required to consider certain issues and to make recommendations to the Department of Ecology. The Department of Ecology is required to submit a progress report to the legislature by December 1, 2003, and a final report by December 1, 2004.

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