
**Agriculture & Natural Resources
Committee**

HB 1074

Brief Description: Concerning public notice requirements for vegetation management in freshwater lakes.

Sponsors: Representatives Rolfes, Williams, Nelson, Hudgins and Upthegrove.

Brief Summary of Bill

- Adds a new public notice requirement for applicants applying for coverage under an aquatic plant and algae management general permit.
- Gives direction to the Department of Ecology regarding responding to public comments on applications and posting applications on its internet web site.
- Requires applicators to complete copies of the Residential and Business Notice Form provided by the Department of Ecology in the aquatic plant and algae management general permit.

Hearing Date: 1/23/09

Staff: Anna Jackson (786-7190)

Background:

The Department of Ecology (DOE) has the authority to enforce the federal Clean Water Act, including the authority to establish and administer a comprehensive state point source waste discharge elimination permit program in accordance with the National Pollution Discharge Elimination System (NPDES) permit program. The DOE is the sole agency that issues NPDES permits in the state.

The DOE developed the aquatic plant and algae management general permit to control the chemical management of aquatic plants and algae in water bodies throughout the state. This permit is a joint NPDES general permit and state waste discharge general permit and is therefore

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based on both state and federal law. This general permit is used for three different purposes: (1) eradication, or total removal of aquatic weeds; (2) control, or limited removal of aquatic weeds and algae; and (3) conditions for nutrient inactivation projects.

The method and contents of the public notice that applicants must provide when applying for a NPDES general permit are included in the aquatic plant and algae management general permit. Applicants must publish notice of the application for coverage under a general permit at least once per week for two consecutive weeks, at least seven days apart, in a local newspaper of general circulation in the county where the proposed treatment site is located. The DOE may also require notice in other types of media. A 30-day public comment period begins following the last date of publication of the public notice.

Summary of Bill:

Initial notice of application for coverage

In addition to providing newspaper notice, applicants for an aquatic plant and algae management general permit are required to mail notice of the application by certified mail to: (1) each residence and business owner located on a shoreline property within one-quarter mile of the proposed treatment site; and (2) each residence and business owner in areas where drift may occur. Public comments concerning an application must be submitted to the DOE within 45 days of completion of these notice requirements.

DOE action

When the DOE notifies the applicant of its decision to grant or deny an application for coverage under a permit, it also must send a copy of the decision to each person who submitted a written request for one. The DOE must post all applications it receives in an easily accessible location on its internet web site, as well as provide an e-mail contact link and physical address that the public may use to submit comments on applications. Prior to issuing a final decision on an application, the DOE must respond in writing to all public comments it receives concerning applications within the 45-day public comment timeframe. Finally, the DOE must develop posting requirements for treatment sites that applicators must follow.

Notice upon approval of an application for coverage

Once the DOE approves an application, the applicator is required to complete copies of the Residential and Business Notice Form provided by the DOE in the aquatic plant and algae management general permit. The applicator also must mail copies of the form by certified mail to each residence and business owner located on shoreline property within one-quarter mile of the proposed treatment site and in areas where drift may occur. In addition, the applicator is required to mail, e-mail, or fax a copy of the form to the appropriate DOE regional office no later than one business day following distribution to the residence and business owners. The applicator must maintain a copy of both the initial public notice and the Residential and Business Notice Form and a list of addresses to which it was sent for seven years. Upon the request of the DOE, the applicator must hand deliver or mail a copy of the Residential and Business Notice Form and list of recipients to the DOE within five business days.

Appropriation: None.

Fiscal Note: Available.

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