

HOUSE BILL REPORT

HB 2222

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to conditioning industrial storm water general discharge permits.

Brief Description: Concerning construction and industrial storm water general permits.

Sponsors: Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/19/09, 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Allows the Department of Ecology to use a portion of the fees collected for construction and industrial storm water general permits to develop a technical assistance program.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, McCoy, Ormsby, Pearson, Van De Wege and Warnick.

Minority Report: Do not pass. Signed by 3 members: Representatives Jacks, Vice Chair; Liias and Nelson.

Staff: Jaclyn Ford (786-7339)

Background:

The federal Clean Water Act (CWA) establishes the National Pollution Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point

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sources to surface waters. The NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface waters.

The Department of Ecology (DOE) has been delegated authority by the U.S. Environmental Protection Agency (EPA) to administer the NPDES permits.

In the NPDES permit programs, the DOE issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers). These permits include limits on the quantity and concentrations of contaminants that may be discharged. These permits also may require wastewater treatment or impose operating or other conditions.

Summary of Substitute Bill:

The DOE may use a portion of the permit fees collected for construction and industrial storm water general permits to develop a technical assistance program (program) for permittees. The program must include specific guidance to assist permittees in permit compliance. The DOE must review and report on the current program and identify ways to increase effectiveness and efficiency. The DOE must encourage permittees to help fund and support the program with in-kind services.

The DOE must develop the program in consultation with an advisory committee composed at least half with impacted permittees.

Substitute Bill Compared to Original Bill:

The substitute bill deletes:

- provisions relating to adaptive management indicators;
- compliance requirement dates;
- provisions relating to inspections;
- the requirement for the DOE to develop a uniform inspection program; and
- the implementation date.

Appropriation: None.

Fiscal Note: Requested on February 20, 2009.

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

Staff Summary of Public Testimony:

(In support) Storm water is a major problem in this state; technical assistance is a critical component to address the problem. This bill will provide for higher water quality in the

state. This is the beginning of a process to address the concerns of stakeholders. Permittee compliance has been poor; technical assistance will help bring more permittees into compliance. Permits are extremely challenging to implement. Technical assistance will help businesses understand what to do in order to comply. The bill takes small steps to effective regulation. Storm water regulations need to be fixed. The stakeholder process is not effective. Precise, uniform, and enforceable requirements are needed.

(Opposed) This bill will bypass a stakeholder process. The bill strikes language that was a compromise when written. There are limited resources in the DOE for this program. There are about 16,000 unpermitted dischargers. Compliance is not good. Only a few permittees have adequate plans for addressing storm water.

(Information only) The permit must be more streamlined and enforceable. Technical assistance, research, and development need to be focused on. A bill is not needed now; the stakeholders are working toward crafting a technical assistance program.

Persons Testifying: (In support) Representative Blake, prime sponsor; Grant Nelson, Association of Washington Business; Ken Johnson, Weyerhaeuser; Gary Smith, Independent Business Association; Arthur West; Mike Leigh; and Michael Grayum, Puget Sound Partnership.

(Opposed) Bruce Wishart, People for Puget Sound; and Sue Joerger, Puget Soundkeepers Alliance.

(Information only) Melodie Selby, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.