

# HOUSE BILL REPORT

## ESSB 5269

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*As Reported By House Committee on:  
Fisheries & Wildlife*

**Title:** An act relating to waste disposal permits for fin fish rearing projects.

**Brief Description:** Eliminating waste disposal requirements for certain net pens.

**Sponsor(s):** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Anderson, McMullen, Amondson, Owen, Vognild, Metcalf and Conner).

**Brief History:**

Reported by House Committee on:  
Fisheries & Wildlife, April 5, 1991, DP.

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**HOUSE COMMITTEE ON  
FISHERIES & WILDLIFE**

**Majority Report:** *Do pass.* Signed by 7 members: Representatives R. King, Chair; Morris, Vice Chair; Fuhrman, Assistant Ranking Minority Member; Basich; Hochstatter; Orr; and Padden.

**Minority Report:** *Do not pass.* Signed by 4 members: Representatives Wilson, Ranking Minority Member; Cole; Haugen; and Spanel.

**Staff:** Keitlyn Watson (786-7310).

**Background:** Under the federal Clean Water Act, National Discharge Eliminations System (NPDES) permits are required for waste discharges from upland fin fish and net pen facilities that produce more than 20,000 pounds of fish annually. Under current state law, commercial or industrial net pen facilities must obtain a state discharge permit if they are discharging waste into waters of the state, regardless of their size. In 1989, the Legislature passed SSB 5561, requiring the Department of Ecology (DOE) to adopt discharge standards and permit requirements for upland fin fish facilities, and authorizing the DOE to adopt rules to exempt small facilities from state waste discharge permits. The DOE has adopted these rules for upland fin fish rearing facilities, with permit requirements as follows: for annual fish production greater than 20,000 pounds the DOE requires

a general permit or individual permit; for annual fish production between 5,000 and 20,000 pounds the DOE requires a registration or registration for an exemption; and for annual fish production less than 5,000 pounds the DOE requires compliance with discharge standards, and does not require a permit or registration.

According to the Department of Ecology, facilities that are not commercial or industrial, such as those operated by the Department of Fisheries as cooperative enhancement projects, and that produce less than 20,000 pounds of fin fish annually, are not required to obtain state waste discharge permits.

**Summary of Bill:** A statutory reference to the "thermal power plant site evaluation council" is corrected to the "energy facility site evaluation council."

The Department of Ecology shall eliminate the permit requirements for a waste disposal by upland fin fish rearing facilities unless an NPDES permit is required.

The Department of Ecology shall eliminate the requirements for a waste disposal permit for cooperative aquaculture fin fish net pens authorized as Department of Fisheries operated cooperative projects, if the net pens produce less than 20,000 pounds of fin fish annually.

**Fiscal Note:** Available.

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

**Testimony For:** This legislation will expedite the progress of cooperative projects. Permits for small upland fin fish facilities are expensive. There is no predictability for the aquaculture industry, and this will provide some for the smaller facilities.

**Testimony Against:** There is already a process in place to exempt small upland fin fish facilities from a discharge permit, as adopted by Department of Ecology rule. There is already an exemption in place for all small cooperative projects, both net pen and upland fin fish, because they are not commercial or industrial operations. This takes away the Department of Ecology's authority to require permits in the event that they are necessary.

**Witnesses:** Bill Jones, Wildcat Steelhead Club (in favor); Jim Krull, Department of Ecology (opposed); Steven Brown, Trout Lodge, Inc. (in favor); and Steve Arbaugh, Puget Sound Gillnetters Association (opposed).