

SENATE BILL REPORT

SB 5355

AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,  
FEBRUARY 27, 1991

**Brief Description:** Strengthening the regulation of Puget Sound water quality.

**SPONSORS:** Senators Talmadge, Skratek and Metcalf.

**SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, and Sutherland.

**Staff:** Gabrielle Horner (786-7717)

**Hearing Dates:** February 6, 1991; February 27, 1991

**BACKGROUND:**

In 1985, the Legislature created the Puget Sound Water Quality Authority (Authority) as a single entity to develop a comprehensive plan for water quality protection in Puget Sound. A single entity was needed because the large number of governmental organizations that affect the water quality in Puget Sound have diverse interests and limited jurisdictions which cannot adequately address factors which degrade the waters of Puget Sound.

The Board of the Authority is appointed by the Governor and has the responsibility to adopt and oversee implementation of a comprehensive Puget Sound Water Quality Management Plan (Management Plan) to protect and clean up Puget Sound. The Management Plan was initially intended to be reviewed and revised every two years, but changes to the law require the Authority to adopt the next Management Plan by July 1, 1994, and every four years thereafter. The Management Plan is to be implemented by existing state and local government agencies.

The 1991 Plan programs include fish and wildlife habitat protection; spill prevention and response; environmental monitoring; research; education and public involvement; wetlands protection; stormwater; combined sewer overflows; and many other related programs.

Enhanced statutory direction for the Authority, local programs for problem contaminants, and strengthened enforcement activity are needed for further protection of the quality of Puget Sound waters.

**SUMMARY:**

**The Puget Sound Water Quality Authority.** The chair of the Authority is chosen by Authority members and rotated annually among the members. Votes are cast by Authority members rather than alternates or designees. The Authority's executive director (who is not an Authority member) carries out policy directions and reports to the Authority.

The sunset of the Authority is extended from 1995 to 1997. In 1996, the Legislative Budget Committee is to prepare a report on future implementation of the Management Plan. Termination of the Authority is not to affect the plan requirements.

The plan, and its authorizing statutes, supplements the authority of all governments and agencies charged with implementing the plan. The Authority may allocate implementation responsibilities to other agencies and different levels of government.

The plan shall address all the waters and sediments in Puget Sound. Additional plan elements include: (1) a schedule for achieving plan goals; (2) an education and public involvement plan; (3) recommendations for reducing and eliminating toxic contaminants, including sediment classification rules and effluent limits; (4) an enhanced stormwater and combined sewer overflow (CSO) program; (5) a quality assurance program for laboratory tests; (6) A funding and budget plan; and others.

The Governor's budget document shall identify agency estimates to fully implement responsibilities under the Plan.

**Pesticides.** The Department of Agriculture shall adopt rules for the use and application of pesticides that have adverse impacts on marine waters. The department shall adopt rules to deny new, or cancel registrations of pesticides which pose a substantial risk to public health, water quality, sediments or biota.

**Local Governments and Stormwater.** Local government comprehensive land use plans, required by 1990 growth management legislation, shall be consistent with applicable provisions of the Puget Sound plan. The land use plans must include stormwater management plans that have been adopted under the Puget Sound plan. Stormwater management facilities are added to the list of public facilities for which local governments may assess "development impact" fees.

Beginning July 1, 1993, transportation projects performed or funded by the state must incorporate state-of-the-art stormwater controls.

**Septic Systems in Sensitive Areas.** Local health agencies, pursuant to State Board of Health rules, shall designate sensitive areas within the Puget Sound region that may be subject to on-site sewage disposal or other contaminants. Before real property in these sensitive areas is sold, the

seller must provide a report to the purchaser stating the type of sewerage service for the property.

**Waste Oil.** The Department of Ecology shall make a minimum of three grants to local governments for demonstration projects to recycle waste oil. \$200,000 is appropriated from the state toxics account for the demonstration projects.

**The Centennial Clean Water Fund.** The Centennial Clean Water Fund is clarified to include CSO reduction within the marine discharge funding category. CSO reductions shall have priority funding until 1997. Local governments may not obtain fund monies without stormwater management programs (effective July 1, 1993) or CSO reduction plans (effective in 1992).

**Enforcement.** The Department of Ecology shall inspect facilities which are required to obtain discharge permits. Discharge permits must include toxic limits, sediment quality limits, and monitoring requirements.

The department shall initiate at least 25 enforcement actions against unpermitted dischargers in the 1991-93 biennium. Fifteen shall be against Puget Sound dischargers.

Citizen suits for water quality enforcement are authorized.

**Penalties.** Judicial and administrative penalties are to be deposited into a new water pollution control account which may be expended for water pollution control purposes. Violations of water pollution control statutes may be assessed civil penalties up to \$10,000 per day for each violation. Any person who knowingly pollutes the state's waters by falsifying records, discharging without a valid permit, or other violations may be subject to criminal penalties.

#### **EFFECT OF PROPOSED SUBSTITUTE:**

The substitute replaces all provisions of the original bill except for the remaining elements addressing pollution sources that adversely affect marine resources such as shellfish.

Local stormwater programs adopted pursuant to the Puget Sound Water Quality Management Plan are incorporated into local growth management plans. The eligibility of combined sewer overflow projects to receive Centennial Clean Water funds is clarified.

Sellers of property in areas of Puget Sound where failing septic systems may affect important marine resources, including shellfish, must provide the buyer with information on the type of septic system served by the property. Local health agencies designate the areas where septic system disclosure is required. The state Department of Health is to adopt rules before July 1, 1992 establishing the disclosure requirements.

The Department of Ecology is appropriated \$200,000 from the state toxics account for the purposes of local government

demonstration projects for collecting and recycling waste oil. Civil penalties from water quality violations are to be deposited into a special account for the funding of water quality programs.

**Appropriation:** \$200,000 for Section 14

**Revenue:** none

**Fiscal Note:** requested February 1, 1991

**Effective Date:** Section 12 is effective on July 1, 1992.

**TESTIMONY FOR:**

An independent Authority coupled with a program for funding the Plan's implementation are steps toward a more effective approach to achieve better water quality protection in Puget Sound. Addressing stormwater management specifically in statute, as well as the addition of sediments to the Plan's focus, are key measures for assuring a clean Sound.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Senator Phil Talmadge (Pro); Les Eldridge, PSWQA (Pro); Llewellyn Matthews, NWPPA; Kathy Fletcher (Pro); Kathy Callison, Puget Sound Alliance (Pro); Bruce Wishart, Sierra Club (Pro); Jeff Parsons, National Audubon Society (Pro); Ralph Mackey, WEC (Pro)