

2 **SHB 1743** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/10/04

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.95C
8 RCW to read as follows:

9 (1) Not later than January 1, 1995, the department shall designate
10 an industry type and up to ten individual facilities within that
11 industry type to be the focus of a pilot multimedia program. The
12 program shall be designed to coordinate department actions related to
13 environmental permits, plans, approvals, certificates, registrations,
14 technical assistance, and inspections. The program shall also
15 investigate the feasibility of issuing facility-wide permits. The
16 director shall determine the industry type and facilities based on:

- 17 (a) A review of at least three industry types; and
18 (b) Criteria which shall include at least the following factors:
19 (i) The potential for the industry to serve as a state-wide model
20 for multimedia environmental programs including pollution prevention;
21 (ii) Whether the industry type is subject to regulatory
22 requirements relating to at least two of the following subject areas:
23 Air quality, water quality, or hazardous waste management;
24 (iii) The existence within the industry type of a range of business
25 sizes; and
26 (iv) Voluntary participation in the program.

27 (2) Not later than January 1, 1997, the department shall submit to
28 the governor and the appropriate standing committees of the
29 legislature:

30 (a) A report evaluating the pilot multimedia program. The report
31 shall consider the program's effect on the efficiency and effectiveness
32 of program delivery and shall evaluate the feasibility of expanding the
33 program to other industry types; and

34 (b) A report analyzing the feasibility of a facility-wide permit
35 program.

1 (3) In developing the program, the department shall consult with
2 and seek the cooperation of the environmental protection agency.

3 (4) For purposes of this section, "facility-wide permit" means a
4 single multimedia permit issued by the department to the owner or
5 operator of a facility incorporating the permits and any other relevant
6 department approvals previously issued to the owner or operator or
7 currently required by the department.

8 NEW SECTION. **Sec. 2.** The purpose of this section and section 3 of
9 this act is to establish a pilot program to encourage environmental
10 permit program efficiency and pollution prevention through increased
11 private sector participation in the preparation of wastewater discharge
12 permits currently administered by the department of ecology.

13 The legislature recognizes that pollution prevention can often be
14 accomplished through cooperative partnerships between government and
15 industry and through voluntary changes in industrial production
16 methods. By using expertise available in the private sector, the pilot
17 program provided for in this section and section 3 of this act is
18 intended to reduce the backlog of expired wastewater discharge permits
19 in order to better protect the water quality of the state.

20 The legislature intends that the pilot program be implemented
21 through the use of technical assistance and administrative guidelines;
22 it is not the intent of this act to authorize additional rule making.
23 The legislature also intends that the pilot program be implemented
24 without causing a reduction in the number of state employees involved
25 in administration of the wastewater discharge permit program.

26 The provisions in this act do not affect the authority of the
27 department to bring enforcement actions, nor do they affect provisions
28 in existing law for public participation and rights of appeal of permit
29 decisions.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
31 to read as follows:

32 (1) For the period beginning July 1, 1994, and ending July 1, 1996,
33 the department shall conduct a pilot program to test the feasibility
34 and effectiveness of allowing certain industries that require a permit,
35 renewal, or modification under RCW 90.48.260 or 90.48.160 to submit an
36 application in the form of a draft permit and fact sheet.

1 (2) Within thirty days of the effective date of this section, the
2 department shall request approval from the federal environmental
3 protection agency to implement the pilot program as provided in this
4 section. If the environmental protection agency grants approval, the
5 department shall:

6 (a) Establish criteria for a variety of types of applicants that
7 are eligible to participate. Such criteria shall include:

8 (i) Consideration of the applicant's compliance history; and

9 (ii) The potential for the industry to serve as a model for
10 increased private sector participation in permit preparation;

11 (b) Develop guidelines specifying the elements of a complete draft
12 permit and fact sheet;

13 (c) Make available a list of approved contractors with whom
14 applicants may contract for draft permit preparation;

15 (d) Document cost and time savings that may or may not result from
16 draft permit preparation by applicants and reflect such savings in the
17 next revision of permit fees for such applicants. Any reduction in
18 fees for permittees participating in the pilot program shall not cause
19 an increase in fees for other permittees; and

20 (e) Limit the number of facilities that will be eligible to
21 participate in the pilot program to ten.

22 (3) Nothing in this section affects the requirements for public
23 participation and right of appeal under RCW 90.48.260 and chapter
24 43.21B RCW. The department shall retain full authority under this
25 chapter to approve, modify, or disapprove any draft permit or fact
26 sheet submitted under this section.

27 (4) By July 1, 1995, the department shall provide an interim report
28 to the appropriate standing committees of the legislature evaluating
29 the effectiveness of the pilot program authorized under this section.
30 A final report shall be submitted by December 1, 1996.

31 NEW SECTION. **Sec. 4.** (1) The legislature finds that utilization
32 of private sector expertise may also benefit other administrative
33 functions within the department of ecology's wastewater discharge
34 permit program. The legislature therefore directs the department to
35 conduct a study, in cooperation with the federal environmental
36 protection agency, to evaluate the feasibility of utilizing private
37 sector expertise for permit compliance assurance activities. By
38 December 1, 1994, the department shall submit a report to the

1 appropriate standing committees of the legislature that includes the
2 following elements:

3 (a) A review of options for utilizing the private sector in the
4 performance of annual compliance inspections of facilities covered
5 under wastewater discharge permits. Such options shall include a
6 review of the feasibility of: (i) The department contracting for
7 compliance inspection services; (ii) the permittee contracting for
8 compliance inspection services; and (iii) any other options identified
9 by the department;

10 (b) An analysis of whether the options identified in (a) of this
11 subsection are permissible under the federal clean water act and
12 implementing regulations;

13 (c) An evaluation of whether cost savings or other benefits would
14 result from utilizing private sector resources;

15 (d) An evaluation of whether staffing reductions would result from
16 such privatization and, if so, what plan should be followed in order to
17 transfer these employees to other appropriate classifications within
18 the water quality program;

19 (e) An analysis of changes that may be necessary in the wastewater
20 discharge permit fee schedule to accomplish such privatization; and

21 (f) Identification of any other alternative compliance strategies,
22 in addition to privatization, that will improve the effectiveness and
23 efficiency of the wastewater discharge permit program, and thereby
24 improve the water quality of the state.

25 (2) The department shall seek recommendations from the federal
26 environmental protection agency as to what federal waivers or
27 approvals, if any, may be required to implement the options identified
28 in subsection (1)(a) of this section.

29 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
30 conflict with federal requirements, the conflicting part of this act is
31 inoperative solely to the extent of the conflict and with respect to
32 the agencies directly affected, and this finding does not affect the
33 operation of the remainder of this act in its application to the
34 agencies concerned."

1 **SHB 1743** - CONF REPT
2 By Conference Committee

ADOPTED 3/10/94

3
4 On page 1, line 1 of the title, after "prevention;" strike the
5 remainder of the title and insert "adding a new section to chapter
6 70.95C RCW; adding a new section to chapter 90.48 RCW; and creating new
7 sections."

--- END ---