

HOUSE BILL REPORT

SHB 1743

As Passed Legislature

Title: An act relating to pollution prevention.

Brief Description: Providing for pollution prevention plans.

Sponsors: By House Committee on Environmental Affairs
(originally sponsored by Representatives Flemming, Horn,
Rust, Linville, Valle and J. Kohl.)

Brief History:

Reported by House Committee on:
Environmental Affairs, February 24, 1993, DPS;
Passed House, March 16, 1993, 93-2;
Passed House, February 8, 1994, 94-0;
Amended by Senate;
Conference Committee Report adopted;
Passed Legislature, March 10, 1994, 94-0.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

Minority Report: Do not pass. Signed by 1 member: Representative Van Luven, Assistant Ranking Minority Member.

Staff: Rick Anderson (786-7110).

Background: The Department of Ecology issues permits, conducts inspections, approves plans, and exercises other regulatory control over activities in this state that have an impact on the environment. Many of the department's activities are governed by statutes that do not recognize the existence of other requirements. The department's organizational structure is largely based on the statutory duties it has been given. There are concerns in the business community that this division of responsibility results in inconsistent directives to business and in the environmental community that the environment is adversely affected by inconsistent regulation.

The state of New Jersey has established a pilot program to provide a single facility-wide permit covering all of the environmental programs managed by that state's environmental agency.

The federal Clean Water Act requires a waste water discharge permit for any water discharge from a facility. The department was delegated authority to administer the permit in 1973. The permit establishes specific limits on the amount of contaminants in the discharge as well as other restrictions. Dischargers must monitor their discharge and report on permit compliance. The department performs periodic inspections to ensure compliance with permit conditions. Permits are issued for a period of five years. The permitting process involves several documents. Dischargers must submit a detailed application describing the nature and amount of their discharge. The department must prepare fact sheets, draft permits, and final permits. The permitting process also provides numerous opportunities for public participation.

Summary of Bill: To expedite agency permits and other regulatory activities, the Department of Ecology is directed to establish two pilot programs and a study.

One pilot project (Section 1) directs the department to coordinate all the department's regulatory actions that affect selected facilities. By January 1, 1994, the department must designate an industry type and up to 10 facilities to participate in the program. The selection of the industry and facilities must be based on criteria relating to their potential to serve as a model for pollution prevention and multimedia environmental programs. Participation in the program is voluntary. The program must also examine the feasibility of developing facility-wide permits covering all the permits issued by the department. By January 1, 1996, the department must submit to the governor and the Legislature a report evaluating the pilot program and the feasibility of facility-wide multimedia permits.

The other pilot project (Sections 2 and 3) requires the department to allow up to 10 industries to combine all waste water discharge permit documents into a single document, if approved by the Environmental Protection Agency. The department must establish criteria for selecting industries eligible for the program and develop guidelines for completeness of the permit document. The department must submit an interim report to the Legislature in July 1995 and a final report by December 1996. The pilot program is not intended to: allow additional rule-making, reduce staff

involved in administering permits, increase permit fees paid by other industries, or affect existing regulatory authority.

The department is also required to conduct a study (Section 4) to evaluate the feasibility and cost-effectiveness of allowing private contractors to perform inspections to verify compliance with waste discharge permits. The department must report its findings to the Legislature by December 1, 1994.

The department may proceed with the pilot programs and the study if they are not in conflict with federal requirements. If a program or study is in conflict, only the conflicting program or study is inoperative.

Fiscal Note: Available.

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

Testimony For: Better coordination of environmental programs administered by the Department of Ecology will mean greater efficiencies for business, cost savings for the agency, and better environmental protection.

Testimony Against: None.

Witnesses: Representative Stan Flemming.