

FINAL BILL REPORT

SHB 1169

C 296 L 93
Synopsis as Enacted

Brief Description: Regulating marine finfish rearing facilities.

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Chappell and Wood).

House Committee on Fisheries & Wildlife
House Committee on Appropriations
Senate Committee on Natural Resources
Senate Committee on Ways & Means

Background: Aquaculture is defined in statute as "the process of growing, farming, or cultivating private sector cultured aquatic products in marine or fresh waters and includes management by an aquatic farmer." Aquaculture products include oysters, clams, and finned fish. In Washington, commercial finned fish aquaculturists primarily raise Atlantic or coho salmon in Puget Sound, where there are approximately 13 floating commercial net pen facilities. Salmon are initially hatched and reared in a freshwater environment until they are smolts - ready for the marine environment. The smolts are transferred to net pens, and are held in net enclosures until they reach marketable size.

Environmental concerns associated with net pen facilities were identified by the Department of Fisheries in a 1990 Programmatic Environmental Impact Statement on floating net pens. These include water pollution, effect on benthic invertebrates, genetic mixing with native species, odors, noise, disease, and visual quality.

Under the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES) permits are required for waste discharges from all upland finned fish and net pen facilities that produce more than 20,000 pounds of fish annually. The Department of Ecology (DOE) administers this permitting process. Under state law, commercial or industrial net pen facilities must obtain a state discharge permit if discharging waste into water of the state, regardless of the size of the facility. If the DOE does not act on a state discharge permit application within 60 days, the applicant is deemed to have received a temporary permit and may begin to discharge effluent. No such provision

exists for NPDES permits. Under both state and federal law, a "general permit" may be issued when a large number of dischargers dispose similar types of effluent. Standard permit requirements are developed under the general permit.

The issuance of NPDES permits to marine finned fish rearing facilities has recently been delayed. In April of 1990, the DOE issued three NPDES permits to marine net pens. These permits were appealed by the Marine Environmental Consortium, Protect Our Waters and Environmental Resources and the Washington Environmental Council. A settlement agreement between the DOE, appellants, and permittees was reached in May 1991, allowing reduced production by the net pen permittees while recommendations by the parties on net pen regulations were developed. The recommendations will be tied to the results of the investigations of a scientific panel on net pen siting. The scientific panel is scheduled to complete a draft report by May 15, 1993, and submit recommendations for regulations including waste discharge standards by February 24, 1994.

Summary: "Marine finfish rearing facilities" are defined as "private and public facilities located within the saltwater of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale."

By October 31, 1994, the Department of Ecology is directed to adopt criteria for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities. By June 30, 1995, the department is directed to adopt standards under the Administrative Procedure Act for waste discharges from marine finfish rearing facilities. In establishing these standards, the department is directed to review and incorporate studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities and any reports and other materials prepared by technical committees on waste discharges from these facilities. The department is required to approve or deny discharge permit applications for marine finfish rearing facilities within 180 days from the date of application, unless a longer time is needed to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the State Environmental Policy Act (SEPA). The department must notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards, or if a time period longer than 180 days will be needed to satisfy public participation requirements of the SEPA.

Votes on Final Passage:

House	98	0	
Senate	44	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993