

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1743

53rd Legislature
1994 Regular Session

Passed by the House March 10, 1994
Yeas 94 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 9, 1994
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1743** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1743

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1994 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 02/26/93.

1 AN ACT Relating to pollution prevention; adding a new section to
2 chapter 70.95C RCW; adding a new section to chapter 90.48 RCW; and
3 creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

15 (a) A review of at least three industry types; and

16 (b) Criteria which shall include at least the following factors:

17 (i) The potential for the industry to serve as a state-wide model
18 for multimedia environmental programs including pollution prevention;

1 (ii) Whether the industry type is subject to regulatory
2 requirements relating to at least two of the following subject areas:
3 Air quality, water quality, or hazardous waste management;

4 (iii) The existence within the industry type of a range of business
5 sizes; and

6 (iv) Voluntary participation in the program.

7 (2) Not later than January 1, 1997, the department shall submit to
8 the governor and the appropriate standing committees of the
9 legislature:

10 (a) A report evaluating the pilot multimedia program. The report
11 shall consider the program's effect on the efficiency and effectiveness
12 of program delivery and shall evaluate the feasibility of expanding the
13 program to other industry types; and

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

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

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

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

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

35 The legislature intends that the pilot program be implemented
36 through the use of technical assistance and administrative guidelines;
37 it is not the intent of this act to authorize additional rule making.
38 The legislature also intends that the pilot program be implemented

1 without causing a reduction in the number of state employees involved
2 in administration of the wastewater discharge permit program.

3 The provisions in this act do not affect the authority of the
4 department to bring enforcement actions, nor do they affect provisions
5 in existing law for public participation and rights of appeal of permit
6 decisions.

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

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

14 (2) Within thirty days of the effective date of this section, the
15 department shall request approval from the federal environmental
16 protection agency to implement the pilot program as provided in this
17 section. If the environmental protection agency grants approval, the
18 department shall:

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

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

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

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

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

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

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

35 (3) Nothing in this section affects the requirements for public
36 participation and right of appeal under RCW 90.48.260 and chapter
37 43.21B RCW. The department shall retain full authority under this

1 chapter to approve, modify, or disapprove any draft permit or fact
2 sheet submitted under this section.

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

7 NEW SECTION. **Sec. 4.** (1) The legislature finds that utilization
8 of private sector expertise may also benefit other administrative
9 functions within the department of ecology's wastewater discharge
10 permit program. The legislature therefore directs the department to
11 conduct a study, in cooperation with the federal environmental
12 protection agency, to evaluate the feasibility of utilizing private
13 sector expertise for permit compliance assurance activities. By
14 December 1, 1994, the department shall submit a report to the
15 appropriate standing committees of the legislature that includes the
16 following elements:

17 (a) A review of options for utilizing the private sector in the
18 performance of annual compliance inspections of facilities covered
19 under wastewater discharge permits. Such options shall include a
20 review of the feasibility of: (i) The department contracting for
21 compliance inspection services; (ii) the permittee contracting for
22 compliance inspection services; and (iii) any other options identified
23 by the department;

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

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

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

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

35 (f) Identification of any other alternative compliance strategies,
36 in addition to privatization, that will improve the effectiveness and
37 efficiency of the wastewater discharge permit program, and thereby
38 improve the water quality of the state.

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

5 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
6 conflict with federal requirements, the conflicting part of this act is
7 inoperative solely to the extent of the conflict and with respect to
8 the agencies directly affected, and this finding does not affect the
9 operation of the remainder of this act in its application to the
10 agencies concerned.

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