

SENATE BILL REPORT

SB 5374

As Reported By Senate Committee On:
Agriculture & Environment, March 4, 1997

Title: An act relating to funding for conservation districts to address nonpoint source pollution water quality problems.

Brief Description: Funding conservation districts to address nonpoint source pollution water quality problems.

Sponsors: Senators Morton, Snyder, McDonald, Stevens and Rasmussen.

Brief History:

Committee Activity: Agriculture & Environment: 2/27/97, 3/4/97 [DPS-WM].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

Background: The Water Quality Account was created in 1986 to provide financial assistance to state and local governments for the development of water pollution facilities and other projects for the protection of the state's waters. The account is funded primarily through a tax on cigarettes. If the tax receipts deposited in the account are less than \$45 million for each fiscal year, the treasurer must transfer sufficient general fund revenues into the account to bring the balance up to \$45 million. Revenue from the account is appropriated by the Legislature to a number of state and local agencies, including an appropriation to the Department of Ecology for administration of the Centennial Clean Water Fund grant program.

State law directed the Department of Ecology to distribute the water quality funds as follows, for the period from July 1, 1987 to June 30, 1995:

- No more than 50 percent for water pollution control facilities which discharge directly into marine waters;
- No more than 20 percent to mitigate groundwater pollution, with at least 2/3 allocated to the Spokane Rathdrum Prairie Aquifer;
- No more than 10 percent for activities that protect freshwater lakes and rivers;
- No more than 10 percent for nonpoint water pollution control projects; and

- The remaining funds for water pollution control activities as determined by the department.

In addition, 2.5 percent of the total distribution must be appropriated to the State Conservation Commission. This provision also expired December 31, 1995.

In the 1995-1997 biennium, legislative provisions in the capital budget required that 2/3 of the Centennial Fund distribution be used for point source pollution, and for nonpoint source pollution.

Since the expiration of the water quality account allocation formula in 1995, there has been no statutory direction for Department of Ecology distribution of water quality funds.

Summary of Substitute Bill: Direction for allocation of the water quality account is provided for the period from July 1, 1997 to June 30, 2007. Each biennium, \$4 million must be appropriated from the water quality account to the State Conservation Commission for dairy waste technical assistance and grants. An additional \$5 million must be appropriated to the State Conservation Commission to distribute to local conservation districts to address nonpoint source pollution problems.

Not more than 20 percent of the water quality account funds distributed by the Department of Ecology may be for planning purposes. The remainder of funds must be provided for implementation of point and nonpoint source water quality improvement projects. Local conservation districts are not eligible for water quality account funds distributed by the Department of Ecology.

Substitute Bill Compared to Original Bill: The substitute bill revises the appropriation to the State Conservation Commission, and adds language governing distribution of Department of Ecology water quality account grants.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Conservation districts provide on the ground solutions to local water quality problems. There is an increasing need for funding to address nonpoint source water pollution. An allocation for nonpoint pollution should be included in statute.

Testimony Against: This bill will decrease the money available to assist small cities in implementing water quality improvements. There has been no assessment of local needs or priorities. Future allocations of the water quality account should move towards a watershed approach, to encourage local collaboration and public involvement.

Testified: Rich Baden, Spokane County Conservation District (pro); Larry Cochran, WACD (pro); Dick Dorsett, Pierce County/Association of Counties (con); Wally O'Neil, Stilly Snohomish Fisheries (pro); Ray Shindler, Washington Association of Wheat Growers/Washington Cranberry Alliance (pro); Colin Bennett, WACD/CKCD (pro); Bruce

Wishart, People for Puget Sound (con); Linda Crerar, Department of Ecology (con); Ed Thorpe, Coalition for Clean Water (con); Ted Bottiger, WACD (pro).