

SENATE BILL REPORT

SB 5087

As of January 27, 1999

Title: An act relating to compliance with the federal clean water act.

Brief Description: Requiring the department of ecology to consider certain elements in preparing total maximum daily loads for impaired water bodies.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/2/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Richard Ramsey (786-7412)

Background: Section 303(d) of the federal Clean Water Act requires the state to identify and list all water bodies failing to meet water quality standards. For each impaired water body on the "303(d) list," the state must develop a total maximum daily load (TMDL) of pollutants. A TMDL is the total amount of a pollutant that can be discharged into a water body without violating water quality standards. In the TMDL process, the pollutant amounts are allocated to various sources -- point, nonpoint and natural. The 1996 "303(d) list" included over 600 water body segments that failed to meet water quality standards and required the development of approximately 1,500 TMDLs.

Federal regulations for technology-based pollution controls allow the use of "nontreatment" techniques, such as flow augmentation and instream mechanical aeration, on a case-by-case basis. The "nontreatment" techniques may be applied when: (1) technology-based treatments are not sufficient to achieve water quality standards; (2) the discharger agrees to waive the opportunity to request variances under other sections of the Clean Water Act; and (3) the discharger can demonstrate that these techniques are the preferred environmental and economic method to achieve standards.

Summary of Bill: For waters that fail to meet water quality standards, the Department of Ecology must consider flow augmentation and instream aeration. It must collaborate with local governments and wastewater treatment plant operators to determine appropriate treatment to bring polluted water bodies into compliance with water quality standards.

Appropriation: None.

Fiscal Note: Requested on January 12, 1999.

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