

SENATE BILL REPORT

SB 5089

As of January 27, 1999

Title: An act relating to control measures to implement total maximum daily load analyses developed under the federal clean water act.

Brief Description: Requiring an advisory committee before initiating control measures for total maximum daily load analyses.

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: The federal Clean Water Act requires the state to set water quality standards based on designated uses of surface water, such as drinking water, swimming, and fishing. Significant progress has been made in cleaning the state's waters through technology-based controls on permitted point sources of pollution such as wastewater treatment plants and industrial facilities.

Section 303(d) of the Clean Water Act requires the state to identify and list all water bodies failing to meet water quality standards. Additionally, 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 1,500 TMDLs.

The state is a party to the settlement of a lawsuit brought by Northwest Environmental Advocates, on the state's failure to complete TMDLs for waters on the 303(d) list. In the settlement agreement, the state agreed to complete TMDLs on the 1996 "303(d) list" within a 15-year schedule. If the state fails to develop TMDLs for waters on the "303(d) list" or EPA disapproves the TMDLs, the EPA must develop the TMDLs.

Summary of Bill: The Department of Ecology must convene an advisory group prior to initiating or applying any control measures developed during a TMDL analysis. An advisory group established by the Watershed Planning Act (HB 2514 from 1998) may substitute. The department must seek public comment from residents and landowners in the county and watershed in which the TMDL is developed.

Appropriation: None.

Fiscal Note: Requested on January 12, 1999.

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