

ESHB 1689 - S AMD 448
By Senator Morton

ADOPTED 04/26/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that much
4 work on municipal storm water management has already occurred
5 throughout the state by counties, cities, and ports. The legislature
6 also recognizes that municipal separate storm sewer systems face
7 challenges that are different from other types of storm sewer systems
8 and that implementing these programs involves great effort, significant
9 costs, and inherent difficulties in identifying sources and controlling
10 introduction of pollutants from a wide variety of sources that may
11 contribute to the contamination of storm water discharged through
12 municipal separate storm sewer systems. The legislature finds that
13 phase one and phase two municipal separate storm sewer system permits
14 developed by the department of ecology under the national pollutant
15 discharge elimination system permit program of the federal clean water
16 act (33 U.S.C. Sec. 1251 et seq.) need to identify storm water
17 management mechanisms to best achieve environmental benefits and
18 satisfy federal clean water act requirements in the most cost-effective
19 manner.

20 (2) The legislature recognizes the need to determine whether it is
21 in the state's interest to integrate municipal separate storm sewer
22 system permit programs developed under phase one and phase two of the
23 national pollutant discharge elimination system permit program. The
24 legislature finds that coordinated permit programs and cooperative
25 storm water management programs between and among local governments may
26 reduce costs and enhance program effectiveness.

27 (3) The legislature finds that issues associated with storm water
28 management are significantly different in eastern Washington, Puget
29 Sound, and other areas of western Washington. The legislature also

1 finds that the federal phase two permits developed by the department of
2 ecology must recognize these differences.

3 NEW SECTION. **Sec. 2.** (1) The department of ecology shall
4 establish a permit development advisory group for the geographic areas
5 draining to Puget Sound in western Washington to advise and assist the
6 department regarding permits for municipal separate storm sewer
7 systems. The permit development advisory group shall work within a
8 facilitated process according to subsection (2) of this section to
9 review the issues identified in section 5 of this act and to make
10 recommendations and submit reports to the legislature according to
11 section 6 of this act. The permit development advisory group, which
12 may include up to eighteen members, of which at least half shall be
13 representatives of local government, shall:

14 (a) Review and address the issues specified in section 5 of this
15 act and any other issues regarding municipal separate storm sewer
16 systems for which the department of ecology requests advice and
17 assistance; and

18 (b) Advise and assist the department of ecology in drafting a
19 permit or permits for municipal separate storm sewer systems in
20 geographic areas draining to Puget Sound in western Washington as
21 required by federal regulations implementing phase two of the national
22 pollutant discharge elimination system permit program under the federal
23 clean water act (33 U.S.C. Sec. 1251 et seq.).

24 (2) At its first meeting, the permit development advisory group
25 shall establish an executive committee with a minimum of three and a
26 maximum of five members. The executive committee shall include
27 representatives of local government, business associations, and
28 environmental organizations. The executive committee shall advise and
29 assist the department of ecology to develop a request for proposals for
30 a facilitator to work with and facilitate the permit development
31 advisory group's review of the issues identified in section 5 of this
32 act and to develop recommendations and submit reports to the
33 legislature according to section 6 of this act. The executive
34 committee also shall review the responses to the request for proposals
35 and select the facilitator. The department of ecology and the

1 executive committee shall work expeditiously to select a facilitator
2 who can begin working with the permit development advisory group by
3 June 1, 2003.

4 (3) This section expires June 30, 2005.

5 NEW SECTION. **Sec. 3.** (1) The department of ecology shall develop
6 a municipal separate storm sewer system permit or permits that address
7 the issues and needs of municipalities operating these systems in
8 eastern Washington. The department shall use the existing storm water
9 advisory group it has established in eastern Washington to advise and
10 assist the department regarding permits for municipal separate storm
11 sewer systems to be issued in eastern Washington. The eastern
12 Washington storm water advisory group shall:

13 (a) Review and address the issues specified in section 5 of this
14 act as they pertain to eastern Washington and any other issues
15 regarding municipal separate storm sewer systems for which the
16 department of ecology requests advice and assistance; and

17 (b) Assist and advise the department of ecology in drafting a
18 permit or permits for municipal separate storm sewer systems in eastern
19 Washington as required by federal regulations implementing phase two of
20 the national pollutant discharge elimination system permit program
21 under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

22 (2) This section expires June 30, 2005.

23 NEW SECTION. **Sec. 4.** (1) The department of ecology shall
24 establish a permit development advisory group for the coastal and
25 southwest areas in western Washington to advise and assist the
26 department regarding permits for municipal separate storm sewer
27 systems. The permit development advisory group shall:

28 (a) Review and address the issues specified in section 5 of this
29 act and any other issues regarding municipal separate storm sewer
30 systems for which the department requests advice and assistance; and

31 (b) Advise and assist the department in drafting a permit or
32 permits for municipal separate storm sewer systems in coastal and
33 southwest Washington as required by federal regulations implementing
34 phase two of the national pollutant discharge elimination system permit

1 program under the federal clean water act (33 U.S.C. Sec. 1251 et
2 seq.).

3 (2) This section expires June 30, 2005.

4 NEW SECTION. **Sec. 5.** (1) The permit development advisory group
5 for Puget Sound areas in western Washington established in section 2 of
6 this act, the eastern Washington storm water advisory group identified
7 in section 3 of this act, and the permit development advisory group for
8 coastal and southwest areas in western Washington established in
9 section 4 of this act shall review and make recommendations to the
10 department of ecology regarding the development of permits for
11 municipal separate storm sewer systems. Issues considered by these
12 groups shall include the:

- 13 (a) Types of discharges being regulated under these permits;
- 14 (b) Areas being regulated by these permits under phases one and two
15 of the federal national pollutant discharge elimination system permit
16 program as they relate to municipal borders;
- 17 (c) Issuance of these permits on a watershed basis;
- 18 (d) Integration of permits and permit requirements for phase one
19 and phase two of the federal national pollutant discharge elimination
20 system permit program;
- 21 (e) Application of these permits to ground water discharges;
- 22 (f) Level of effort required of municipalities to satisfy permit
23 requirements regarding:
 - 24 (i) Public education and outreach;
 - 25 (ii) Public participation and public involvement;
 - 26 (iii) Illicit discharge detection and elimination;
 - 27 (iv) Construction site runoff control;
 - 28 (v) Postconstruction runoff control;
 - 29 (vi) Pollution prevention and good housekeeping;
 - 30 (vii) Implementation of applicable total maximum daily loads; and
 - 31 (viii) Program evaluation and reporting;
- 32 (g) Protection for shellfish areas;
- 33 (h) Costs and benefits associated with each permit element not
34 required under federal law;
- 35 (i) The use of land use planning and existing land use plans and
36 rules as a best management practice for storm water management; and

1 (j) Potential funding sources for implementation of permit
2 requirements.

3 (2) This section expires June 30, 2005.

4 NEW SECTION. **Sec. 6.** (1) No later than December 15, 2003, the
5 permit development advisory groups established and identified in
6 sections 2, 3, and 4 of this act shall report regarding their work to
7 the appropriate committees of the legislature.

8 (2) After the permits are developed but no later than December 1,
9 2004, the department of ecology shall submit a final report to the
10 appropriate committees of the legislature regarding these permits and
11 the work of the advisory groups. The department shall also identify
12 any legislative recommendations from these groups or from the
13 department based on the work of these groups.

14 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately."

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18 On page 1, line 2 of the title, after "permits;" strike the
19 remainder of the title and insert "creating new sections; providing
20 expiration dates; and declaring an emergency."

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