

SENATE BILL REPORT

HB 2237

As of April 17, 2003

Title: An act relating to water discharge fees.

Brief Description: Concerning water discharge fees.

Sponsors: Representatives Linville, Chandler and Fromhold.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 4/22/03.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Staff: Richard Rodger (786-7461)

Background: National Pollutant Discharge Elimination System (NPDES) permits are required for discharge of wastes to waters of the state. The Department of Ecology is required to set fees for permits in an amount sufficient to recover the cost of the permit program.

In 2001, a Ninth Circuit federal court decision, *Headwaters, Inc. v. Talent Irrigation District*, required applicators of herbicides to irrigation canals to obtain an NPDES permit. This requirement has been extended to other individuals and organizations that apply pesticides to other waters of the state, including mosquito districts, weed boards, and oyster growers.

In response to the federal court decision, the Legislature passed an exception to the requirement of a fully fee-funded NPDES permit program. The Legislature established a temporary fee cap of \$300 for any individual or general permits required as a result of the federal court decision. The fee cap expires on June 30, 2003.

Summary of Bill: The \$300 maximum discharge permit fee for discharge permits that were developed by the DOE after the Ninth Circuit Court of Appeals decision in *Headwaters v. Talent Irrigation District* is extended until June 30, 2005.

Appropriation: None.

Fiscal Note: Available.

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