

SENATE BILL REPORT

SB 6119

As Reported By Senate Committee On:
Natural Resources, Energy & Water, January 23, 2004

Title: An act relating to water pollution control for Moses Lake.

Brief Description: Concerning the total maximum daily load process for Moses Lake.

Sponsors: Senators Morton, Swecker and Mulliken.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/15/04, 1/23/04 [DP, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hargrove, Honeyford and Oke.

Minority Report: Do not pass.

Signed by Senators Fraser and Regala.

Staff: Richard Rodger (786-7461)

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. The act requires the state to identify and list all water bodies failing to meet water quality standards.

For each impaired water body, 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.

Moses Lake is a listed water body on the Department of Ecology's proposed 2002/2004 Water Quality Assessment (the federal 303(d) list). The primary water quality problem is blooms of algae, including blue-green algae, which impair recreational uses for the lake. Excess phosphorous is the major cause of algae growth.

A Moses Lake advisory group was formed to assist with strategies to reduce the amount of phosphorus entering Moses Lake and to assist in developing a detailed implementation plan to reduce pollution in the lake.

Summary of Bill: The Department of Ecology may not proceed with the total maximum daily load process for Moses Lake until it has: (1) made all reasonable efforts to provide the information requested by the Moses Lake advisory committee; and (2) allowed the advisory committee sufficient time to distribute and analyze the information so that the advisory

committee report accurately reflects the current condition of the lake, water, and adjacent uplands.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Department of Ecology (DOE) has not been responsive to the requests of citizens or the Moses Lake Advisory Committee. DOE has inadequate and conflicting data regarding the lake's water quality. In the past, the advisory committee has been treated as just a necessity on the DOE's path to listing the lake as polluted. No credit has been recognized for all of the efforts and monies expended by both the community and the local irrigation district to make major improvements to the lake's water quality. A 303(d) listing with the EPA will have a huge adverse effect on the few "point sources" of pollution on the lake, and will not cause any additional work, other than what is already under way to address the other major contributing factors that contribute to pollution in the lake.

Testimony Against: DOE will not proceed with the TMDL for Moses Lake until such time as the advisory committee has received all the information they are requesting and have had time to evaluate the data. As of this time Moses Lake has not been designated as a water requiring a TMDL, the lake is listed in two categories on the department's proposed Water Quality Assessment -- one proposed listing as a Category 2 "water of concern" and the other proposed listing as a Category 5 "polluted water." The final assessment of this lake will not be made until late spring or early fall 2004.

Testified: Tim Snead, Grant County Commissioner (pro); Tom Dent, Moses Lake TMDL (pro); Ed McLeary, Troutlodge Inc.; Stephen Jones, Columbia Basin Crop Consultants Assn. (pro); Dave Peeler, Dept. of Ecology (con); Ted Sturdavent, Dept. of Ecology.