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**Economic Development,  
Agriculture & Trade Committee**

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**HB 2172**

**Brief Description:** Concerning water discharge permit fees.

**Sponsors:** Representatives Newhouse, Linville and Clements.

**Brief Summary of Bill**

- Requires the Department of Ecology to waive its waste discharge permit fee for an indirect discharger if a municipality delegated permit authority issues a permit and collects a fee from the indirect discharger.

**Hearing Date:** 3/1/05

**Staff:** Caroleen Dineen (786-7156).

**Background:**

Federal Law. The federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to eliminate pollutant discharges into navigable waters. The CWA defines pollutant broadly to include a variety of materials that may be discharged into water through human activities, construction or industrial processes, or other methods. Among other requirements, the CWA sets effluent limitations for discharges of pollutants to navigable waters and requires states to adopt surface water quality standards to protect humans, fish and other aquatic life.

The CWA also establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater and stormwater discharges. NPDES permits are required for wastewater discharges from point sources (discernable, discrete, and confined conveyances) to surface waters. NPDES permits also are required for storm water discharges from certain industries, construction sites of specified sizes, and municipalities operating municipal separate storm sewer systems that meet specified criteria.

State Law. Washington's Pollution Disclosure Act of 1971 requires all pollution dischargers to use all known, available, and reasonable methods of wastewater treatment before discharge to prevent pollution. The Department of Ecology (DOE) administers a state program for discharge of pollutants to state waters. State permits are required for certain waste discharges from municipalities or from commercial or industrial operations.

DOE Permit Program. The CWA authorizes the United States Environmental Protection Agency (EPA) to delegate NPDES permit authority to designated state agencies. The EPA has delegated NPDES permit authority for Washington to the DOE. Therefore, in addition to state waste discharge permits, the DOE issues NPDES permits in this state.

The DOE issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers) in the state and NPDES permit programs. NPDES permits place limits on the quantity and concentrations of contaminants discharged. These permits may include treatment requirements. NPDES permits also may impose operating or other conditions, such as monitoring, reporting, and spill prevention planning. NPDES permits are valid for five years but may be renewed.

The DOE may allow a city, town or municipal corporation operating a sewer system with treatment facilities to issue permits for waste discharges to the system under certain circumstances. A person with a permit to discharge into a sewer system operated by a delegated municipal corporation does not have to obtain a state permit for the wastes discharged into the sewer system.

#### Discharge Permit Fee Rule

State law requires the annual discharge permit fees to be established to fully recover but not exceed the permit program's expenses. These expenses include permit processing, monitoring, compliance, sampling, evaluation, inspection, and program overhead costs. The DOE adopts the fee schedule by rule.

State law also specifies the DOE must ensure that indirect dischargers do not pay twice for administrative permit expenses. Therefore, the DOE may not recover administrative expenses for permits issued by a municipality.

#### **Summary of Bill:**

If a municipality issues a permit and collects a fee from an indirect discharger pursuant to a delegation from the DOE of federal pretreatment program duties, the DOE must waive its fee for any additional permit required by the indirect discharger.

**Appropriation:** None.

**Fiscal Note:** Requested on February 28, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.