

HOUSE BILL REPORT

SSB 6607

As Passed House - Amended:

March 5, 2008

Title: An act relating to shellfish protection district wastewater discharge fees, rates, and charges.

Brief Description: Regarding shellfish protection district wastewater discharge fees, rates, and charges.

Sponsors: By Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Spanel, Haugen and Rasmussen).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/25/08, 2/27/08 [DPA].

Floor Activity:

Passed House - Amended: 3/5/08, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Removes the National Pollutant Discharge Elimination System permit exemption for shellfish protection district assessments, fees, and charges and limits the assessments that may be levied against dairies with certified dairy nutrient management plans to \$500.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Kristiansen, Lantz, Loomis, McCoy, Nelson, Newhouse and Orcutt.

Staff: Colleen Kerr (786-7168).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

County legislative authorities may create a shellfish protection district and adopt shellfish protection programs to address water quality issues affecting growing and harvesting shellfish. Counties must coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Counties must also consult with the Departments of Health, Ecology, Agriculture, or the Conservation Commission about the elements of the shellfish protection program. To date, 12 districts exist, and eight have resulted in classification upgrades and re-openings.

Counties may finance a shellfish protection program through county tax revenues, inspection fees and other fees for provided services, rates specified in the protection program, or with federal, state, or private grants. Fees, rates, or charges must not be imposed by districts on the following: (1) confined animal feeding operations subject to the National Pollutant Discharge Elimination System (NPDES); (2) other facilities permitted and assessed fees under the NPDES system; and (3) timberlands classified under state timber and open space tax laws. All dairy animal feeding operations are required to adopt a dairy nutrient management plan to assure the dairy does not discharge into state waters. These plans must be approved and certified by the local conservation district.

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Summary of Amended Bill:

County shellfish protection district activities should focus on actions targeting shellfish protection. The NPDES permit exemption for shellfish protection district assessments, fees, and charges is removed from statute. The assessments that may be levied against dairies with certified dairy nutrient management plans and all commercial agricultural operations is limited to \$500.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The Department of Health is now in support of this bill with the new amendment. Any attempt to create a new exemption creates problems among stakeholders and with the local governments. Ideally, this would be addressed at the local level but, as the Legislature gave the authority to create the Shellfish Protection Districts, it is appropriate for

the Legislature to make these changes. The bill will actually go to improving equity between landowners and their responsibility to the Shellfish Protection District. The assessments have become as onerous as property taxes and that was never the intent when the fees were created. The farmers also have an interest in clean water, but need a method for accountability and participation that does not drive them from the land. In addition to leveling the playing field, the bill also allows the opportunity for dialogue between the stakeholders in the interim to consider further suggested changes to bring back to the Legislature.

(With concerns) There is an inequity between dairy farms with an NPDES permit and those without, but the stakeholders are in agreement that they would prefer seeing the exemption for dairy farms with an NPDES permit stricken.

(Opposed) None.

Persons Testifying: (In support) Senator Spanel, prime sponsor; Chris Cheney, Washington State Dairy Federation; and Jim Jesernig, Pacific Coast Shellfish Growers.

(With concerns) Bill Garvin, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.