

SENATE BILL REPORT

SHB 1413

As Reported by Senate Committee On:
Environment, Water & Energy, March 20, 2009

Title: An act relating to water discharge fees.

Brief Description: Concerning water discharge fees.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Nelson, Quall and Blake).

Brief History: Passed House: 3/09/09, 59-38.

Committee Activity: Environment, Water & Energy: 3/17/09, 3/20/09 [DP-WM, DNP].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser, Hatfield, Marr and Ranker.

Minority Report: Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist and Morton.

Staff: Karen Epps (786-7424)

Background: The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater to surface waters, or who has a significant potential to impact surface waters. The Department of Ecology (Ecology) is delegated federal CWA authority by the United States Environmental Protection Agency (EPA).

Ecology also administers state discharge permits. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged and may require wastewater treatment or impose operating or other conditions. Ecology issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers) in the state and the NPDES permit programs.

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.

Ecology establishes annual fees for issuing and administering state and NPDES discharge permits. Ecology must set fees for permits in an amount sufficient to fully recover but not exceed the program expenses, including permit processing, monitoring, compliance, evaluation, inspection, and program overhead costs. Revenue collected from these fees is deposited into the Water Quality Permit Account. Initiative 960, adopted by the voters in 2007, requires prior legislative approval before an agency can impose or increase an administrative fee.

Summary of Bill: Ecology may charge an annual fee to municipalities for domestic wastewater facility permits of up to 18 cents per month per residence or residential equivalent that is contributing to the wastewater system. Ecology may raise wastewater fees by the fiscal growth factor for the fiscal years 2010 and 2011, except for categories of discharges whose fees exceed the costs of managing their permits.

Additionally, Ecology may adjust the discharge fee schedule annually through December 31, 2011. Ecology, with the advice of an advisory committee, must evaluate the existing fee structure, including the current inequity of fees relative to permit workload and report its findings to the 2010 Legislature.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There was quite a group of folks marshalling this bill through the House, including labor and business. This bill is needed so that Ecology can work on NPDES permits in a timely manner. As of right now, they are behind schedule because the NPDES permit fees have not kept up with the economy.

Persons Testifying: PRO: Representative McCoy, prime sponsor.