

# SENATE BILL REPORT

## ESHB 2222

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As Reported by Senate Committee On:  
Environment, Water & Energy, March 25, 2009

**Title:** An act relating to conditioning industrial storm water general discharge permits.

**Brief Description:** Regarding conditioning industrial storm water general discharge permits.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler).

**Brief History:** Passed House: 3/11/09, 97-0.

**Committee Activity:** Environment, Water & Energy: 3/25/09 [DPA].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass as amended.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Hatfield, Morton and Ranker.

**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 and storm water discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater or storm water 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.

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.

**Summary of Bill (Recommended Amendments):** By November 1, 2009, Ecology must modify or reissue the industrial storm water general permit to require compliance with appropriately derived numeric water quality-based effluent limitations for existing discharges

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to impaired water bodies under the CWA. The industrial storm water general permit must require compliance no later than six months after the permit's effective date. Ecology may establish a compliance schedule for permittees that Ecology determines are unable to comply by the original compliance date, but compliance must occur no later than 24 months, or two wet seasons, after the effective date of the industrial storm water general permit. Before establishing a compliance schedule, Ecology must post the proposed compliance schedule on its website.

As funding to do so becomes available, Ecology must create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center must use its authority to support research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. Additionally, the center may:

- review and evaluate emerging storm water technologies;
- research and develop technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;
- conduct pilot projects to test technical solutions;
- serve as a clearinghouse and outreach center for information on storm water technology;
- assist in the development of storm water control methods to better protect water quality;
- coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and
- collaborate with existing storm water outreach programs.

In consultation with an advisory committee, Ecology must identify a funding strategy for funding the Storm Water Technical Resource Center and encourage all interested parties to help and support the technical resource center with in-kind services. Finally, Ecology must prepare and submit a biennial progress report on the Storm Water Technical Resource Center to the Legislature.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Amendments):** Establishes that any compliance schedule provided by Ecology must require compliance as soon as possible, no later than 24 months, or two wet seasons, after the effective date of the industrial storm water general permit. Requires Ecology to post on its website the name, location, industrial storm water permit number, and the reason for requesting a compliance schedule for each permittee who requests a compliance schedule of up to 24 months. Removes the authority to allow industrial storm water general permittees to elect to have an individual storm water permit or coverage under an alternative permit. Removes the requirement that Ecology implement a technical assistance program by July 1, 2010. Removes the requirement that Ecology develop a long-term compliance assessment and enforcement plan for industrial and construction general storm water permits by June 30, 2010.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 25, 2009.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Amended Engrossed Substitute House Bill:**

PRO: This bill as amended has been agreed to by the various parties. Technical assistance has been a very important part for the business community when complying with the terms and conditions of the permit. The bill works on some of the issues with the actual permit development process. Everyone has worked together to bring this bill forward.

**Persons Testifying:** PRO: Grant Nelson, Association of Washington Business; Bruce Wishart, People for Puget Sound; Melodie Selby, Department of Ecology.