

SENATE BILL REPORT

HB 2651

As of February 23, 2012

Title: An act relating to changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit.

Brief Description: Changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit.

Sponsors: Representatives Springer, Chandler, Blake, Upthegrove and Wilcox; by request of Department of Ecology.

Brief History: Passed House: 2/10/12, 97-0.

Committee Activity: Environment: 2/22/12.

SENATE COMMITTEE ON ENVIRONMENT

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. 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 (DOE) is delegated federal CWA authority by the United States Environmental Protection Agency.

DOE 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. DOE issues individual permits, covering single, specific activities or facilities and general permits, covering a category of similar dischargers, in the state and NPDES permit programs. General permits include, but are not limited to, the construction storm water general permit, the sand and gravel general permit, the municipal storm water permits, and the industrial storm water general permit.

The industrial storm water general permit implements state and federal regulations requiring industrial facilities to control storm water using best management practices to prevent water pollution. DOE currently requires businesses that are permitted under the industrial storm water general permit to ensure that the storm water runoff complies with numeric limits if the

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storm water runoff goes to an impaired water body. An impaired water body is a water body that, under CWA and state standards, does not meet water quality standards. DOE must develop water cleanup plans, known as total maximum daily loads, for impaired water bodies.

Summary of Bill: By July 1, 2012, the industrial storm water general permit must require permittees with discharges to water bodies listed as impaired for bacteria to comply with nonnumeric, narrative effluent limitations.

An expiration date of January 1, 2015, is added for the section of law that applies to the construction and industrial storm water general permits.

Appropriation: None.

Fiscal Note: Available.

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: DOE has established rules for the level of bacteria that can enter the storm water system and then go into impaired water bodies. It was not anticipated that this would impact industrial sites, since they do not create much in the way of bacteria. The problem that these industrial sites are facing is bird poop. This bill is DOE's way of dealing with the fact that the strict numeric number goes well above where these sites would normally have to go in terms of treating the bacteria. By replacing the numeric number with a narrative limitation, DOE can still work with the industrial producer to institute best practices. This bill would change the numeric limit that is now set in statute to a narrative limit in order to help businesses come into compliance. There are 75 to 80 businesses that do not generate bacteria as part of their process who are still out of compliance. This change will not lower DOE's ability to protect water from bacteria. This bill is narrowly drafted to address the issue with birds. Use of a narrative is appropriate in these situations in which control is still desired but where compliance mechanisms might be better achieved through best management practices.

Persons Testifying: PRO: Larry Springer, prime sponsor; Donald Seeberger, DOE; Courtney Barnes, Assn. of WA Business; Dave Gering, Manufacturing Industrial Council of Seattle.