

SENATE BILL REPORT

SB 5080

As Passed Senate, March 2, 2011

Title: An act relating to control of water pollution.

Brief Description: Reducing water pollution by replacing or repairing failing on-site sewage systems or connecting failing on-site sewage systems to a sewerage system.

Sponsors: Senators Sheldon, Rockefeller, Shin and Chase.

Brief History:

Committee Activity: Environment, Water & Energy: 1/26/11, 2/04/11 [DP].

Ways & Means: 2/21/11, 2/24/11 [DP].

Passed Senate: 3/02/11, 49-0.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: Do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford, Ranking Minority Member; Chase, Delvin, Fraser, Holmquist Newbry, Morton and Ranker.

Staff: Jan Odano (786-7486)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Baxter, Brown, Conway, Fraser, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Pflug, Pridemore, Regala, Rockefeller, Schoesler and Tom.

Staff: Brian Sims (786-7431)

Background: The Clean Water Act (CWA) sets the regulatory framework for addressing water pollution. Under the CWA, the Clean Water State Revolving Fund (CWSRF) was established to provide financial assistance for water quality projects including constructing and repairing municipal wastewater facilities, installing nonpoint source pollution controls, and implementing estuary protection projects. Each state has a CWSRF program to provide low interest rate loans for water quality projects. The CWSRF is a self-perpetuating loan

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assistance program where the principal repayment and interest earnings accrue to the state account and become available for financing new projects. The CWSRF is capitalized in part by federal and state contributions. The state contributes 20 cents for every federal dollar. The CWSRF funds must be used as loans, they can not be used for grant purposes.

The State Centennial Clean Water Grant Program (Centennial Account) historically received funding through the Water Quality Account (cigarette tax dedicated to water quality) but as of 2009 is funded through state bonds. It is used to provide loans and grants to communities and municipalities for repairing and upgrading municipal waste water treatment plants, addressing nonpoint pollution, and repairing or replacing onsite sewage systems.

The Department of Ecology (Ecology) administers the Centennial Account and CWSRF. Ecology has developed an integrated application and funding process of these grant and loan funds for water quality projects. In 2011, through the Centennial Account, CWSRF, and the Stormwater Retrofit and Low Impact Development grant program, Ecology will distribute approximately \$108 million in loans and grants for water quality projects. These projects include upgrades to sewer plants, on-site sewage system improvements, water re-use facilities; stormwater and ground water projects, and water quality data monitoring.

Summary of Bill: Repair and replacement of failing on-site sewage systems, and decommissioning and connecting failing on-site sewage systems to a sewer system are specifically identified as eligible projects for grant or loan funding through the Centennial Account and CWSRF.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Environment, Water & Energy): OTHER: Ecology provides grant and loan funding for the repair and replacement of failing on-site sewage systems (OSS). Most of the funds go to replacing failing OSS. Decommissioning a failing OSS and connecting to a sewer system is allowed under these programs if a sewer system is available, and there is documentation about the soils not being able to support OSS.

Persons Testifying (Environment, Water & Energy): OTHER: Steve Carley, Ecology.

Staff Summary of Public Testimony (Ways & Means): PRO: This is a simple bill to clarify that these funds can be used to repair and replace on-sight septic systems and decommission these failed systems.

Persons Testifying (Ways & Means): PRO: Senator Sheldon, prime sponsor.