

SENATE BILL REPORT

SB 6393

As of February 16, 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: Senators Nelson, Honeyford, Ericksen and Chase; by request of Department of Ecology.

Brief History:

Committee Activity: Environment: 1/31/12.

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. 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 (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 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. 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

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the storm water runoff goes to an impaired water body. An impaired water body is a water body that, under the 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: 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: PRO: During the 2009 session, the Legislature adopted HB 2222, which required industrial storm water permits to establish a numeric limit. At that time, it was thought that this would not cause any problems with the permits. However, some businesses that do not generate bacteria are having difficulties meeting their numeric limit and in many cases are actually exceeding it. This bill would change the numeric limit to a narrative standard. Businesses under the permit will still need to do monitoring and reporting and implement best management practices that lower their discharge. Most sources of bacteria on industrial sites are coming from wildlife, particularly birds. Industrial sites are not considered to be sources of bacteria. Use of a narrative standard is permitted under the CWA and recognizes both best management practices and treatment systems as effective alternatives. The bill makes changes that are protective of the environment and human health, while still giving industry a reasonable pathway to compliance.

Persons Testifying: PRO: Don Seeberger, DOE; Courtney Barnes, Assn. of WA Business.