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## Environment Committee

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### SB 6077

**Brief Description:** Modifying the use of storm water control facility rate charges.

**Sponsors:** Senators Benton and Sheldon.

#### Brief Summary of Bill

- Removes the requirement that charges paid by the Department of Transportation (DOT) for the construction, operation, and maintenance of storm water control facilities be used solely for storm water control facilities or implementation of best management practices that directly reduce state highway runoff impacts.
- Removes the requirement that the local government utility and the DOT work together to develop an expenditure plan for the charges paid by the DOT, and that the local government utility report back to the DOT on plan implementation progress.

**Hearing Date:** 2/25/14

**Staff:** Megan Mulvihill (786-7291) and Jason Callahan (786-7117).

#### Background:

Under the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) regulates point sources that discharge pollutants into U.S. waters. Three point sources for stormwater runoff are regulated under the NPDES: municipal separate storm sewer systems (MS4s), construction activities, and industrial activities. The MS4s are conveyances, or a system of conveyances, such as roads and streets with drainage systems, catch basins, ditches, man-made channels, and storm drains.

The Department of Ecology (DOE) is authorized to administer the NPDES regulations, and approve storm water permits which cover storm water discharges to any state waters for which the Environmental Protection Agency has approved a total maximum daily load (TMDL). Under this permit, the Department of Transportation (DOT) is required to manage storm water

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discharges for state highways, rest areas, park and ride lots, ferry terminals, and maintenance facilities.

#### Storm water Control Facilities.

Storm water control facilities collect, pipe, and transport excess rain water off-site to a river or stream while filtering the water and controlling the flow to prevent flooding. The DOT designs and constructs storm water control facilities for their state highway right-of-ways and cleans, repairs, and conducts annual inspections for the facilities.

Not all of the storm water runoff from state highways is pre-treated by the DOT storm water systems, and some storm water may end up in a county system comingled with non-DOT runoff. Therefore, local governments may charge the DOT for the construction, operation, and maintenance of storm water control facilities associated with state highway right-of-ways in that local government utility's jurisdiction. The rate charged to the DOT for storm water treatment by local government facilities has to meet the following conditions:

- is 30 percent of the rate for comparable real property;
- only charged for limited-access facilities; and
- may not be greater than the rate that is charged to cities and counties for their road rights-of-way within the same jurisdiction.

Charges paid by the DOT must be used solely for storm water control facilities that directly reduce state highway runoff impacts or to implement best management practices that reduce the need for storm water control facilities. The DOT and local government utility must develop a plan for how the funds received by the utility will be used, and the utility must provide and submit a progress report on the use of the funds to the DOT.

#### **Summary of Bill:**

The requirement that charges paid by the DOT must be used solely for the purpose of storm water facilities that directly reduce state highway runoff impacts or the implementation of best management practices that reduce runoff is eliminated. The annual expenditure plan the local government utility and the DOT were previously required to develop for the charges DOT paid is also eliminated.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.