

# SENATE BILL REPORT

## ESSB 5324

---

---

As Amended by House, April 12, 2013

**Title:** An act relating to mosquito abatement in storm water control retention ponds.

**Brief Description:** Concerning mosquito abatement in storm water control retention ponds.

**Sponsors:** Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Honeyford, Fraser and Ericksen).

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 2/05/13, 2/21/13 [DPS].

Passed Senate: 3/08/13, 49-0.

Passed House: 4/12/13, 94-0.

---

### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 5324 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Ranker, Ranking Member; Billig, Brown, Chase, Cleveland, Honeyford and Litzow.

**Staff:** Jan Odano (786-7486)

**Background:** Cities, towns, counties, and water-sewer districts construct stormwater control facilities to control storm, flood, or surplus waters to protect public health, highways, property, and other facilities. To mitigate the impact of the volume of stormwater from impervious surfaces and reduce pollutants from entering water bodies downstream, stormwater facilities may be constructed with retention ponds. Retention ponds manage stormwater runoff by reducing flows and by allowing pollution to settle and be taken up through biological activity. These ponds may have water throughout the year or at least during the wet season.

West Nile Virus (WNV) is a disease that causes fever, headache, and a rash. In severe cases, meningitis, encephalitis, and paralysis may occur. Mosquitoes transmit WNV through bites to humans and other animals. WNV is a reportable disease and when discovered in animals or suspected in humans, health care providers and facilities must notify local health jurisdictions within three business days. Local health jurisdictions must report investigations

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

to the Department of Health (DOH). WNV was first detected in Washington in 2002, and the first human case was reported in 2006. In 2009, there were 38 human cases. There have been no cases reported as of yet in 2013. There is ongoing monitoring for WNV activity in certain counties.

Integrated pest management (IPM) is used to manage pests by the most economical means and with the least possible hazard to people, property, and the environment. It relies on information about the life-cycles of pests, their interaction with the environment, and using available pest control methods.

**Summary of Engrossed Substitute Bill:** A county, city, town, water-sewer district, or flood control zone district must: consider, and to the extent possible consistent with the Department of Ecology's design guidelines for stormwater retention ponds, construct stormwater facilities to maintain and control vegetation to inhibit mosquito breeding; and consult with local mosquito control districts, where established, when developing construction plans that include stormwater retention ponds. A county, city, town, water-sewer district, or flood control zone district must maintain and control vegetation growth in stormwater retention ponds to minimize mosquito propagation.

When notified of the presence of WNV or other mosquito-borne human diseases, a county, city, town, water-sewer district, or flood control zone district must consult with DOH or the mosquito control district as to the most effective IPM strategy to use. In areas with mosquito control districts, the district must abate mosquitoes when notified of the presence of WNV or other mosquito-borne human diseases.

**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 on Original Bill:** OTHER: Perhaps the control of mosquitoes should be conditioned in areas where WNV exists. IMP is not defined.

**Persons Testifying:** OTHER: Carl Schroeder, Assn. of WA Cities.

**House Amendment(s):** Clarifies that maintenance and control of vegetation growth is provided without compromising the function of a stormwater retention pond.