

SENATE BILL REPORT

SB 6117

As of February 3, 2014

Title: An act relating to storm water control facility rates.

Brief Description: Concerning storm water control facility rates.

Sponsors: Senators Benton, Sheldon, Dandel, Angel, King, Schoesler, Tom, Braun, Becker, Padden, Honeyford and Roach.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/04/14.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

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 individual permits, covering single, specific activities or facilities, and general permits, covering a category of similar dischargers, in the state and for 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 industrial storm water general permit, and the municipal storm water permits.

Local government utilities may charge the Washington State Department of Transportation (WSDOT) for the construction, operation, and maintenance of storm water control facilities under certain conditions:

- the rate to be charged is 30 percent of the rate for comparable real property;
- the rate is only charged for limited-access facilities; and

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- the rate charged to the state may not be greater than the rate charged to cities and counties within the same jurisdiction.

These charges to the state are declared to be presumptively fair and equitable because the state invests in the construction, operation, and maintenance of storm water control facilities that control runoff from state highways. Funds paid by the state 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. Local government utilities are required to develop an annual plan for the expenditure of the storm water charges and provide a progress report on the use of charges assessed for the prior year.

Summary of Bill: The rate that local government utilities may charge WSDOT for the construction, operation, and maintenance of storm water control facilities under certain conditions is revised to 100 percent of the rate for comparable real property.

The declaration that the charges to the state are presumptively fair and equitable is removed.

Appropriation: None.

Fiscal Note: Requested on January 29, 2014.

Committee/Commission/Task Force Created: No.

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