

HOUSE BILL REPORT

HB 1853

As Reported by House Committee On:
Environment & Energy
Transportation

Title: An act relating to the development and coordination of a statewide don't drip and drive program.

Brief Description: Developing and coordinating a statewide don't drip and drive program.

Sponsors: Representatives Ramos, Peterson, Paul, Gregerson, Ryu, Senn and Santos.

Brief History:

Committee Activity:

Environment & Energy: 2/19/19, 1/21/20 [DPS];

Transportation: 1/30/20, 2/5/20 [DP2S (w/o sub ENVI)].

Brief Summary of Second Substitute Bill

- Directs the Washington State University Stormwater Center to develop and coordinate a statewide Don't Drip and Drive Program to address stormwater pollution and help drivers properly maintain cars.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio, Fey, Mead, Robinson and Shewmake.

Minority Report: Do not pass. Signed by 4 members: Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Staff: Jacob Lipson (786-7196).

Background:

Washington State University Stormwater Center.

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.

The Washington State University (WSU) Stormwater Center is a collaboration between the University of Washington and the WSU. The WSU Stormwater Center was created in 2010 as a result of legislative direction to the Department of Ecology (Ecology) to create a stormwater technical resource center engaged in research, development, technology demonstration and transfer, education, outreach, and training. The WSU Stormwater Center is charged with reviewing and evaluating emerging stormwater technologies, developing solutions to remove pollutant runoff, conducting pilot projects, and coordinating with other agencies in administering stormwater control programs.

The Motor Vehicle Fund.

The Motor Vehicle Fund is an account in the State Treasury for road, street, and highway purposes for use by state agencies and, through state agencies, by cities, counties, and towns. A number of sources of revenue are deposited into the Motor Vehicle Fund, including federal grants, state motor fuel taxes, and vehicle registration fees.

Water Discharge Permits.

The federal Clean Water Act establishes the National Pollutant Discharge Elimination System (NPDES), which regulates wastewater discharges. The NPDES permitting authority is delegated to the state, allowing Ecology to issue wastewater permits to cities and counties. The NPDES permits are required for anyone, including local governments, who discharges wastewater to state surface waters.

Don't Drip and Drive.

Between 2011 and 2017, Ecology implemented a "Don't Drip and Drive" Program (Program) to educate vehicle owners regarding car leaks and to encourage drivers to check for and repair leaks to help reduce stormwater contamination. The Program was limited in scope to the Puget Sound region. Local governments that participate in Ecology's Program receive credit under Municipal Stormwater NPDES permit requirements for public education and outreach. The Program identified strategies to attract vehicle owners to repair leaks, identified and developed best practices to lead to a model program, and used auto and lube shops, technical colleges, and volunteers to undertake certain leak-focused activities.

Program activities were primarily funded through grants from Ecology to local lead agencies. State grant funding for the Program ended in 2017, although some local jurisdictions continued to implement aspects of the Program.

In 2018 an operating budget proviso directed Ecology to convene a workgroup to analyze possible statewide expansion of the Program. In October 2018 Ecology submitted a report to the Legislature summarizing the workgroup's recommendations that the WSU Stormwater Center be the state's managing entity for a statewide Program. The report also made recommendations regarding the potential funding requirements and sources, Program partners, and performance measures for the Program.

Summary of Substitute Bill:

The Washington State University (WSU) Stormwater Center must develop and coordinate a statewide Don't Drip and Drive Program (Program). The WSU Stormwater Center should work with a statewide steering committee, including representatives of state agencies, local governments, and specified stakeholder groups. A report with a plan for the Program is due to the Legislature on May 1, 2021.

The Program must use behavior change strategies to prevent stormwater pollution from leaking motor vehicles, help drivers maintain vehicles, and help local jurisdictions meet National Pollutant Discharged Elimination System requirements. A number of requirements are established for the Program, including the use of:

- local partnerships to promote the Program;
- messaging to motivate vehicle owner identification and repair of leaks;
- incentives, to the extent that funding or resources are provided; and
- measures to address environmental justice and equity issues, including outreach to specified types of vehicle owners.

The Program's scope should be expanded to all areas of Washington, and local jurisdictions should have an opportunity, but not a requirement, to participate. The Program should provide technical assistance and materials to local jurisdictions and specified types of public outreach activities, including advertising, events, partnerships, and outreach to businesses and fleet owners.

The WSU Stormwater Center may contract with trade associations or vehicle repair professionals to leverage expertise.

An appropriation of \$300,000 in the 2019-2021 biennium is made from the Motor Vehicle Fund to the WSU to develop a plan to implement a statewide Program, including a detailed budget proposal. An appropriation of \$300,000 from the Motor Vehicle Fund is also made to the Department of Commerce for the 2019-2021 biennium for grants to extend the existing Program through 2021.

Substitute Bill Compared to Original Bill:

The substitute bill eliminates the emergency clause that provided that the act was to take effect on July 1, 2019, and delays the deadline for the Washington State University Stormwater Center to submit a report to the Legislature and the Governor for implementing a statewide Don't Drip and Drive Program until May 1, 2021.

Appropriation: From the Motor Vehicle Fund, the sum of \$300,000 is appropriated to the Washington State University and \$300,000 is appropriated to the Department of Commerce.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

See Committee Records from the 2019 Legislative Session.

Persons Testifying: See Committee Records from the 2019 Legislative Session.

Persons Signed In To Testify But Not Testifying: See Committee Records from the 2019 Legislative Session.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 23 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Chambers, Chapman, Dent, Doglio, Duerr, Entenman, Gregerson, Irwin, Kloba, Lovick, Mead, Ortiz-Self, Paul, Ramos, Riccelli, Shewmake, Van Werven and Volz.

Minority Report: Do not pass. Signed by 8 members: Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Dufault, Eslick, Goehner, McCaslin and Orcutt.

Staff: Mark Matteson (786-7145).

Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Environment & Energy:

The second substitute bill removes the appropriations and adds an intent section, which provides that, to the extent that funding is provided to the Washington State University Stormwater Center (Center) in either the supplemental omnibus appropriations act or the supplemental transportation budget, the Legislature intends the Center to use the funding for: the initial development of a plan to implement a statewide "Don't Drip and Drive" program; and the provision of technical assistance and education to local governments and communities that are undertaking or exploring strategies to prevent stormwater pollution from leaking motor vehicles.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available on substitute bill.

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

Staff Summary of Public Testimony:

(In support) The recent reports about what is going into stormwater are disconcerting. This bill will be modest, with a plan to seek \$50,000 in the budget for education and outreach.

The League of Women Voters has a long-standing position on stewardship of the environment. Washington's water resources must be protected. With salmon and orcas in decline, there should be a stepped-up emphasis on pollution-controlling measures.

The Automotive Service Association Northwest (Association) was involved in the Don't Drip and Drive initial development starting in 2011. This effort should be continued. The Association did a voluntary one-off program at the LeMay Car Museum in Tacoma last year. Students from a local technical college helped car owners change tail lights or headlamps. While the car was parked, a pad was put under the vehicle. If it caught any drips, the car owner would get a coupon to take the car into one of the Association businesses for an evaluation. It is these types of activities that would be facilitated under a Don't Drip and Drive program and the environmental benefits would follow.

(Opposed) None.

(Other) The Department of Ecology (Department) coordinated the Don't Drip and Drive work group in 2018. There were many participants, both public and private. The group considered many issues, including statewide expansion. The Department concurs with the work group recommendations regarding a program at the Washington State University.

Persons Testifying: (In support) Representative Ramos, prime sponsor; Martin Gibbins, League of Women Voters of Washington; and Jeff Lovell, Automotive Service Association Northwest.

(Other) Kimberly Goetz, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.