

SENATE BILL REPORT

SB 6635

As Reported by Senate Committee On:
Environment, Energy & Technology, February 6, 2020

Title: An act relating to allowing for alternative public notice of applications for coverage under the construction stormwater general permit.

Brief Description: Allowing for alternative public notice of applications for coverage under the construction stormwater general permit.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/04/20, 2/06/20 [DP, w/oRec].

Brief Summary of Bill

- Allows the Department of Ecology (Ecology) to determine that the exclusive means of providing public notice for construction stormwater general permits is by publication on Ecology's website, or through an electronic subscription service operated by Ecology, or both.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown, Das, Hobbs, Lias, McCoy, Nguyen, Rivers, Short, Stanford and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Lovelett, Vice Chair.

Staff: Greg Vogel (786-7413)

Background: The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater and stormwater discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater or stormwater to surface waters, or who has a

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significant potential to impact surface waters. Ecology is delegated federal CWA authority by the United States Environmental Protection Agency.

Ecology 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. Ecology issues 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 stormwater general permit, the sand and gravel general permit, the industrial stormwater general permit, and the municipal stormwater permits.

Construction site operators must apply for coverage under the construction stormwater general permit if:

- the construction project disturbs land through clearing, grading, excavating, or stockpiling of fill material, which includes:
 - sites that disturb one acre or more;
 - sites that are smaller than one acre that are part of a larger common plan of development that will ultimately disturb one acre or more and discharge stormwater to surface waters;
 - sites of any size discharging stormwater to waters of the state that Ecology determines to be a significant contributor of pollutants; and
 - sites of any size that Ecology reasonably expects to cause a violation of any water quality standard; and
- there is any possibility that during construction, stormwater could run off the site or enter a conveyance system leading to surface waters.

Applicants for construction stormwater general permits, as well as other wastewater permits, must publish notices as Ecology prescribes. Ecology must require the notice be published twice in a newspaper of general circulation within the county in which the disposal of waste material is proposed to be made and in other appropriate information media as Ecology may direct. The notice must include a statement that any person desiring to present their views to Ecology, or any person interested in Ecology's action on an application for a permit, may submit their views or notify Ecology of their interest within 30 days of the last date of publication of notice. The notification or submission of views to Ecology entitles the person to a copy of the action taken on the application.

Summary of Bill: Ecology may determine the exclusive means of providing public notice for applicants covered under the construction stormwater general permit is by publication on Ecology's website, or through an electronic subscription service operated by Ecology that allows subscribers to electronically receive notice, or both.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill is a little time sensitive, because the new permit is scheduled to be evaluated this year. A five year permit is taking effect January 1st. Written into the permit is the procedures for advertising the permit. Currently, it is twice in a newspaper a week apart. However, we do have this thing called the internet now and it would be much more timely to do it this way. Ecology does have the system in place to do it. It is imperative that it is passed this year, so it can be incorporated into the permit for next January.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.