

FINAL BILL REPORT

SB 5585

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Synopsis as Enacted

Brief Description: Setting domestic wastewater discharge fees.

Sponsors: Senators Rolfes and Das; by request of Department of Ecology.

Senate Committee on Environment, Energy & Technology
House Committee on Environment & Energy

Background: The Clean Water Act. The federal Clean Water Act (CWA) sets limitations for the discharge of pollutants. The Department of Ecology (Ecology) is the delegated CWA authority by the U.S. Environmental Protection Agency (EPA) and the agency authorized by state law to implement state water quality programs.

CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. Point sources are defined generally as discernible, discrete, and confined conveyances from which pollutant discharges can or do occur. NPDES permits are required for anyone who discharges wastewater to surface waters or who has a significant potential to impact surface waters.

Water Quality Permits. Ecology administers a state program for discharge of pollutants to state waters. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged. State permits are required for anyone who discharges waste materials from a commercial or industrial operation to ground or to publicly owned treatment plants, as well as publicly owned treatment plants that discharge to state waters. Permits may require wastewater treatment or impose operating or other conditions, including monitoring, reporting, and spill prevention planning.

Permittees must pay a fee based on a monthly rate, capped at \$0.18 per residence or residential equivalent contributing to a municipality's wastewater system. The fees are intended to cover Ecology's costs related to administering permits and ensuring permitted facilities are in compliance with their wastewater discharge pollution limits. The current fee

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rate does not recover Ecology's costs of administering the water quality permit program.

Summary: Water Quality Permit Fees. The cap on the fee charged for water quality permits is removed. Ecology can set the fee at a rate that will recover the costs of administering permits and monitoring permittees' compliance.

Advisory Committee. An advisory committee is formed to create recommendations to adjust the fee schedule for water quality permits. Members of the advisory group are appointed by the director of Ecology, or the director's designee, and include members representing permitted facilities, nonprofit environmental organizations, a statewide association representing cities, a statewide association representing counties, a special purpose district, a statewide business association representative, and Ecology must offer tribal consultation and invite federally recognized tribes to participate.

The advisory committee must submit a report with their recommendations to Ecology by December 31, 2022. The report must:

- identify the fees needed to fully recover the expenses incurred by Ecology from administering water quality permits and monitoring permittee compliance;
- assess municipal wastewater permitting backlogs and permit workloads;
- assess service levels required to meet state and federal legal mandates and needs of permittees;
- assess the staffing and revenue needed to support those service levels; and
- recommend how to structure the underlying permit fees and the timing and sequence of adjustments.

Ecology must use the recommendations provided by the advisory committee as the basis for the 2023 update to the water quality permit fees. Ecology must also provide updates on the implementation of the revised fee structure and progress made toward reducing wastewater discharge permit backlogs in Ecology's biennial progress report on the use of permit fees.

The advisory committee expires on January 1, 2024.

Votes on Final Passage:

Senate	27	20	
House	57	41	(House amended)
Senate	29	20	(Senate concurred)

Effective: June 9, 2022