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**SUBSTITUTE HOUSE BILL 1365**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Dye and Barkis)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to improving Puget Sound water quality; adding a  
2 new section to chapter 90.48 RCW; adding a new section to chapter  
3 43.21A RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the 2007  
6 legislature formally established a goal for the state that the health  
7 of Puget Sound be restored by 2020. The state has not yet achieved  
8 this goal, as evidenced by the numerous locations within Puget Sound  
9 that are listed as impaired waters that fail to meet federal water  
10 quality standards. A variety of expensive hurdles remain in place  
11 that have challenged the political will to succeed in cleaning up  
12 Puget Sound. Primary among these hurdles are the significant volumes  
13 of untreated and partially treated sewage that wastewater treatment  
14 systems continue to discharge into Puget Sound as a result of system  
15 failure events, and the lack of infrastructure and processes to  
16 remove nutrients from wastewater at treatment facilities, even where  
17 facilities are functioning as intended. The department of ecology has  
18 recently finalized a permit that would begin to require monitoring of  
19 nutrient discharges and minor changes to begin to address the  
20 nutrient discharge problem.

1 (2) Therefore, it is the intent of the legislature to expedite  
2 nutrient discharge reduction activities towards the achievement of  
3 nutrient-related water quality standards across Puget Sound.  
4 Furthermore, in order to ensure that the costs of these water quality  
5 improvements do not fall solely on local governments and utility  
6 ratepayers, it is the intent of the legislature to allocate funding  
7 towards nutrient discharge reductions.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48  
9 RCW to read as follows:

10 (1) Each operator of a municipal wastewater sewerage system that  
11 discharges untreated sewage, partially treated sewage, or mixtures of  
12 untreated stormwater and sewage into state waters within the Puget  
13 Sound watershed must submit a report to the department by February  
14 1st of each year, that summarizes these discharges from the system  
15 during the previous calendar year, in addition to the reporting that  
16 is required in individual national pollutant discharge elimination  
17 system permits. The report submitted to the department must identify  
18 the location of each discharge, the estimated volume of the  
19 discharge, the measured impacts to coliform levels and other water  
20 quality metrics from the pollution, and any beach closures or other  
21 impacts to recreational uses of state waters resulting from the  
22 discharge.

23 (2) By July 1st of each year, relying on the reports submitted to  
24 the department under subsection (1) of this section, the department  
25 must complete a summary report and provide the summary report to a  
26 diverse group of news media outlets in Washington, post the summary  
27 report on its website, and submit the summary report to the  
28 appropriate committees of the legislature consistent with RCW  
29 43.01.036. The summary report must:

30 (a) Summarize the quantity and impacts of the preceding year's  
31 discharges of untreated sewage into Puget Sound;

32 (b) Include the number of water body segments on the department's  
33 section 303(d) list relative to the total number of water body  
34 segments in Puget Sound; and

35 (c) Analyze the extent to which untreated discharges from  
36 municipal wastewater sewerage systems to Puget Sound contribute to  
37 the impairment and listing of section 303(d) water body segments in  
38 Puget Sound.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.21A  
2    RCW to read as follows:

3        (1) The department must continue, under its existing authorities,  
4    to:

5        (a) Provide technical assistance to local governments and other  
6    municipal wastewater treatment system operators discharging nutrients  
7    into Puget Sound in support of their efforts to reduce nutrient  
8    discharges into Puget Sound;

9        (b) Identify funding opportunities, including federal, state, and  
10   local public funds available for use for the purposes of this  
11   section;

12       (c) Assist municipal wastewater treatment system operators with  
13   water quality grant and loan opportunities;

14       (d) Take all appropriate steps to seek and apply for federal  
15   funds for which the department is eligible, and other grants, and  
16   accept donations; and

17       (e) Collaborate with the Puget Sound partnership and other  
18   applicable state agencies.

19       (2) Each year, the department is responsible for making grants  
20   for municipal wastewater nutrient discharge reduction projects within  
21   the funds appropriated by the legislature for this purpose. To the  
22   extent that appropriated moneys are not sufficient to fully fund all  
23   projects proposed by system operators, the department must distribute  
24   funds with prioritization given to projects that are:

25       (a) The most cost-effective at reducing nutrients in municipal  
26   wastewater discharge; and

27       (b) Capable of most expeditiously achieving nutrient reductions  
28   in municipal wastewater discharge.

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