

SENATE BILL REPORT

SB 5450

As of February 26, 2025

Title: An act relating to increasing transparency regarding sewage-containing spills.

Brief Description: Increasing transparency regarding sewage-containing spills.

Sponsors: Senators Slatter, Hasegawa, Nobles, Saldaña, Shewmake, Wilson, C. and Wilson, J..

Brief History:

Committee Activity: Environment, Energy & Technology: 2/07/25, 2/18/25 [DPS-WM, DNP, w/oRec].

Ways & Means: 2/26/25.

Brief Summary of First Substitute Bill

- Directs the Department of Ecology to establish a public website and create a notification system for providing information about sewage spills.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Dhingra, Liias, Lovelett, Ramos, Short and Wellman.

Minority Report: Do not pass.

Signed by Senator Harris.

Minority Report: That it be referred without recommendation.

Signed by Senators Boehnke, Ranking Member; MacEwen.

Staff: Alicia Kinne-Clawson (786-7407)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Jed Herman (786-7346)

Background: The federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to eliminate pollutant discharges into navigable waters. The CWA sets effluent limitations for discharges of pollutants to navigable waters.

The Department of Ecology (Ecology) has received delegated authority from the United States Environmental Protection Agency (EPA) to carry out the CWA in Washington. As part of this responsibility, Ecology issues required National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits, except for federally owned facilities and for permits on tribal lands, as well as state water discharge permits under state law. The NPDES permits regulate discharges to surface water from commercial industry or publicly owned treatment works, also referred to as municipal wastewater treatment facilities, and state waste discharge permits also regulate discharges to groundwater. Wastewater discharge permits generally place limits on the quantity and concentrations of contaminants that may be discharged, and permits may require wastewater treatment or impose operating or other conditions, including monitoring, reporting, and spill prevention planning. The current Water Treatment Plant General Permit issued by Ecology requires a permit holder to notify Ecology immediately, and not later than 24 hours, upon becoming aware of a spill or discharge that could constitute a threat to human health, welfare, or the environment, and to take appropriate action to correct or minimize health or environmental threats from the spill.

Combined sewer overflow systems discharge untreated or partially treated sewage mixed with stormwater to waterways. They receive overflow from treatment plants or combined sewers when the capacity of those treatment plants or combined sewers is exceeded during heavy rain events.

Summary of Bill (First Substitute): By July 1, 2026 Ecology must develop and publish a public-facing website that includes information on locations where sewage spills occur and are reported under individual water quality permits. Notice on the website must include the following information about the sewage discharge:

- estimated volume or rate of discharge, and final volume discharged;
- level of treatment of the discharge;
- date and time the incident initiated;
- location of the discharge;
- time the discharged ceased;
- geographic area potentially impacted by the discharge; and
- steps taken to contain the discharge.

By July 1, 2027 Ecology must implement a public notification system through which the public may choose to be notified of untreated or undertreated sewage spills. Notification by

Ecology must occur no later than four hours, within regular working business hours, after receipt of a notice of a sewage spill.

By March 15, 2026 Ecology must provide a list of sewage spills reported to Ecology during the prior calendar year.

By March 15, 2027, and each March 15th thereafter, Ecology must publish and make publicly available on the website an annual report of sewage spills that occurred during the prior calendar year that were reported to Ecology.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Eliminates the requirement that information about sewage spills be posted by Ecology specifically in a map format with geographic information, and instead specifies that the sewage spill information communicated to the public must only include a notice of the location of the spill.
- Limits the daily hours in which Ecology must post sewage spill information within four hours of receipt, to regular working business hours of 8 a.m. to 5 p.m., Monday through Friday and excluding holidays.
- Amends the definition of the combined sewers and sewage spills to which the reporting requirements apply, including by specifying that sewage spills apply to discharges of wastewater rather than diversions of waste.
- Eliminates references to diversions and bypasses of sewage, rather than sewage spills.
- Eliminates the requirement that Ecology post, in sewage spill notices, information about public safety precautions that should be taken.
- Eliminates the requirement that Ecology retain post-2026 sewage spill notices on their website in perpetuity.

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 on Original Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: It's our job to protect these waterways and to protect public health from pollution. The Department of Ecology currently receives reports of sewage spills from discharges as a condition of their permits under state and federal laws. This bill requires Ecology to compile these reports and make them available to the public in a clear and timely way. This does not create new regulations on discharges. It does improve

transparency and creates an information system that will benefit all constituents.

Hundreds of sewage spills occur in our state every year. Right now it is hard to find this information and it may not be available for weeks or months. At least ten other states already do this. When wastewater is filled into these ancestral waterways, it is not enough to correct the issue. These spills and treatment failures need to be shared with the entire community so that families can make decisions about their health and well-being. Last year we had an intern use Ecology's database and look through dozens of pdf documents that permittees had submitted to Ecology reporting spills. There were 233 spills over the prior five years ranging from ten gallons to ten million gallons. This information needs to be easier to find.

Exposure to sewage overflow is extremely dangerous. Right now it is difficult for someone to plan a trip to one of our state waterways to have any idea if the water is safe from sewage contamination. This bill would provide an easy to use interface so that people can know within a reasonable time period if the water is safe. Right now it is up to volunteers to do water quality testing to figure out if these places are safe. We need a state based system to protect residents now.

OTHER: Ecology is committed to providing transparent and accurate information to the public about untreated sewage discharges from permitted facilities. Our permits require facilities to notify us immediately when a spill occurs and then provide a report within five days. We recognize the current system is not user friendly. We receive approximately 300 incident reports per year. We do not currently have the kind of 24/7 reporting required by this bill. Ecology also does not currently have the expertise or authority to advise on whether there are environmental or safety impacts from the spill.

Persons Testifying (Environment, Energy & Technology): PRO: Senator Vandana Slatter, Prime Sponsor; Kelsey Payne, Snoqualmie Indian Tribe; Peter Steelquist, Surfrider Foundation ; Mindy Roberts.

OTHER: Leslie Connelly, Department of Ecology.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill is one of the four priorities for the Environmental Priorities Coalition this year. We have many examples of sewage spills that have occurred. These spills are reported to the Department of Ecology, but this information often doesn't get to the public. We need to make sure the public gets accurate and timely information. This bill is an efficient use of state resources.

Persons Testifying (Ways & Means): PRO: Darcy Nonemacher, Washington Conservation Action.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.