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SENATE BILL 5407

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State of Washington

63rd Legislature

2013 Regular Session

By Senator Ericksen

Read first time 01/29/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to electronic filing of pollutant discharge  
2 elimination permit system applications; and amending RCW 90.48.260.

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

4 **Sec. 1.** RCW 90.48.260 and 2012 1st sp.s. c 1 s 313 are each  
5 amended to read as follows:

6 (1) The department of ecology is hereby designated as the state  
7 water pollution control agency for all purposes of the federal clean  
8 water act as it exists on February 4, 1987, and is hereby authorized to  
9 participate fully in the programs of the act as well as to take all  
10 action necessary to secure to the state the benefits and to meet the  
11 requirements of that act. With regard to the national estuary program  
12 established by section 320 of that act, the department shall exercise  
13 its responsibility jointly with the Puget Sound partnership, created in  
14 RCW 90.71.210. The department of ecology may delegate its authority  
15 under this chapter, including its national pollutant discharge  
16 elimination permit system authority and duties regarding animal feeding  
17 operations and concentrated animal feeding operations, to the  
18 department of agriculture through a memorandum of understanding. Until  
19 any such delegation receives federal approval, the department of

1 agriculture's adoption or issuance of animal feeding operation and  
2 concentrated animal feeding operation rules, permits, programs, and  
3 directives pertaining to water quality shall be accomplished after  
4 reaching agreement with the director of the department of ecology.  
5 Adoption or issuance and implementation shall be accomplished so that  
6 compliance with such animal feeding operation and concentrated animal  
7 feeding operation rules, permits, programs, and directives will achieve  
8 compliance with all federal and state water pollution control laws.  
9 The powers granted herein include, among others, and notwithstanding  
10 any other provisions of this chapter or otherwise, the following:

11 (a) Complete authority to establish and administer a comprehensive  
12 state point source waste discharge or pollution discharge elimination  
13 permit program which will enable the department to qualify for full  
14 participation in any national waste discharge or pollution discharge  
15 elimination permit system and will allow the department to be the sole  
16 agency issuing permits required by such national system operating in  
17 the state of Washington subject to the provisions of RCW 90.48.262(2).  
18 Program elements authorized herein may include, but are not limited to:  
19 (i) Effluent treatment and limitation requirements together with timing  
20 requirements related thereto; (ii) applicable receiving water quality  
21 standards requirements; (iii) requirements of standards of performance  
22 for new sources; (iv) pretreatment requirements; (v) termination and  
23 modification of permits for cause; (vi) requirements for public notices  
24 and opportunities for public hearings; (vii) appropriate relationships  
25 with the secretary of the army in the administration of his or her  
26 responsibilities which relate to anchorage and navigation, with the  
27 administrator of the environmental protection agency in the performance  
28 of his or her duties, and with other governmental officials under the  
29 federal clean water act; (viii) requirements for inspection,  
30 monitoring, entry, and reporting; (ix) enforcement of the program  
31 through penalties, emergency powers, and criminal sanctions; (x) a  
32 continuing planning process; and (xi) user charges.

33 (b) The power to establish and administer state programs in a  
34 manner which will ensure the procurement of moneys, whether in the form  
35 of grants, loans, or otherwise; to assist in the construction,  
36 operation, and maintenance of various water pollution control  
37 facilities and works; and the administering of various state water  
38 pollution control management, regulatory, and enforcement programs.

1 (c) The power to develop and implement appropriate programs  
2 pertaining to continuing planning processes, area-wide waste treatment  
3 management plans, and basin planning.

4 (2) The department must provide for electronic filing of pollutant  
5 discharge elimination permit system applications, updates, and  
6 revisions thereof, and data reporting. As necessary, the department  
7 must develop forms to accommodate electronic filing.

8 (3) The governor shall have authority to perform those actions  
9 required of him or her by the federal clean water act.

10 ((+3)) (4) By July 31, 2012, the department shall:

11 (a) Reissue without modification and for a term of one year any  
12 national pollutant discharge elimination system municipal storm water  
13 general permit applicable to western Washington municipalities first  
14 issued on January 17, 2007; and

15 (b) Issue an updated national pollutant discharge elimination  
16 system municipal storm water general permit applicable to western  
17 Washington municipalities for any permit first issued on January 17,  
18 2007. An updated permit issued under this subsection shall become  
19 effective beginning August 1, 2013.

20 (i) Provisions of the updated permit issued under (b) of this  
21 subsection relating to new requirements for low-impact development and  
22 review and revision of local development codes, rules, standards, or  
23 other enforceable documents to incorporate low-impact development  
24 principles must be implemented simultaneously. These requirements may  
25 go into effect no earlier than December 31, 2016, or the time of the  
26 scheduled update under RCW 36.70A.130(5), as existing on July 10, 2012,  
27 whichever is later.

28 (ii) Provisions of the updated permit issued under (b) of this  
29 subsection related to increased catch basin inspection and illicit  
30 discharge detection frequencies and application of new storm water  
31 controls to projects smaller than one acre may go into effect no  
32 earlier than December 31, 2016, or the time of the scheduled update  
33 under RCW 36.70A.130(5), as existing on July 10, 2012, whichever is  
34 later.

35 ((+4)) (5) By July 31, 2012, the department shall:

36 (a) Reissue without modification and for a term of two years any  
37 national pollutant discharge elimination system municipal storm water

1 general permit applicable to eastern Washington municipalities first  
2 issued on January 17, 2007; and

3 (b) Issue an updated national pollutant discharge elimination  
4 system municipal storm water general permit for any permit first issued  
5 on January 17, 2007, applicable to eastern Washington municipalities.  
6 An updated permit issued under this subsection becomes effective August  
7 1, 2014.

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