
SUBSTITUTE SENATE BILL 6178

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senator Talmadge)

Read first time 02/04/94.

1 AN ACT Relating to wastewater discharge permits; adding new
2 sections to chapter 90.48 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that in order to
5 protect the quality of our state's waters, it is necessary to enhance
6 the efficiency and effectiveness of the department of ecology's
7 wastewater discharge permit program. Ensuring prompt review and
8 renewal of wastewater discharge permits and implementing a rigorous
9 inspection and enforcement program are a high priority. The
10 legislature also finds that both the water quality of the state and the
11 administrative efficiency of the wastewater discharge program will
12 benefit from privatization of many program functions, subject to
13 department review and oversight. Privatization is intended to improve
14 the efficiency of permit processing and to increase the frequency of
15 permit compliance assurance activities. Such privatization shall not
16 affect the authority of the department to bring enforcement actions,
17 nor shall it affect provisions in existing law for public participation
18 and rights of appeal of permit decisions.

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

3 (1) For the period beginning July 1, 1994, and ending July 1, 1996,
4 the department may allow persons applying for a permit, renewal or
5 modification required under RCW 90.48.260 to submit a draft permit and
6 fact sheet in lieu of an application form. The department shall: (a)
7 Establish criteria for types of applicants that are eligible to submit
8 draft permits and fact sheets, which shall include consideration of the
9 applicant's compliance history; (b) develop guidelines specifying the
10 elements of a complete draft permit and fact sheet; and (c) make
11 available a list of approved contractors with whom applicants may
12 contract for draft permit preparation. The department shall document
13 cost and time savings resulting from draft permit preparation by
14 applicants and shall reflect these savings in the next revision of
15 permit fees for such applicants. The draft permit shall be submitted
16 to the department for review and final approval. Nothing in this
17 section affects the requirements for public participation and right of
18 appeal under RCW 90.48.260 and chapter 43.21B RCW. The department
19 shall retain full authority under chapter 90.48 RCW to approve, modify,
20 or disapprove any draft permit or fact sheet submitted under this
21 section.

22 (2) By July 1, 1995, the department shall provide an interim report
23 to the legislature evaluating the effectiveness of the provisions in
24 subsection (1) of this section. A final report shall be submitted by
25 December 1, 1996.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
27 to read as follows:

28 (1) Beginning July 1, 1994, and ending July 1, 1996, the department
29 shall conduct a pilot program to test the feasibility and effectiveness
30 of using personal services contracts for conducting annual compliance
31 inspections for industrial permittees. As part of the program, the
32 department shall enter into contracts for the performance of no less
33 than twenty-five percent of annual compliance inspections for different
34 categories of industrial permittees, including minor permittees as
35 defined under the federal clean water act. Such contracts shall meet
36 the requirements of chapter 39.29 RCW. The department shall include
37 terms in the contract to protect the confidentiality of proprietary
38 information that is obtained as part of an inspection. Nonproprietary

1 information related to wastewater discharge characteristics or
2 treatment processes shall be public information. The contract shall
3 also specify that individuals under contract with the department shall
4 not accept employment with entities they or their business have
5 inspected for four years after the final report of the inspection.

6 (2) By July 1, 1995, the department shall provide an interim report
7 to the legislature evaluating the effectiveness of the pilot program.
8 A final report on the pilot program shall be submitted by December 1,
9 1996.

10 (3) Nothing in this section affects the authority of the department
11 to bring enforcement actions under this chapter.

12 NEW SECTION. **Sec. 4.** The department of personnel shall review the
13 compensation levels of those employee classifications applicable to
14 employees of the department of ecology requiring engineering expertise
15 and experience related to wastewater management. The department shall
16 review comparable compensation levels in the private sector and provide
17 a summary of the information obtained to the standing committees on
18 environmental and fiscal matters of the senate and the house of
19 representatives by December 1, 1994. This section shall expire January
20 1, 1995

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