

Invest in Clean Water Today

Cities, Counties and the Environmental Community Ask You to Support SHB 1614

Reducing the amount of petroleum pollution in stormwater

At a time of severe budget cuts and slashed programs, this bill is an immediate, substantive and achievable win for the environment, jobs and local governments. By imposing a fee on petroleum products that contribute to stormwater pollution, this bill would address the single most pressing water quality problem in the state and would raise over \$100 million in new funds for cities, counties, ports and DOT.

In particular, this bill will:

- **Create jobs:** Building stormwater infrastructure is labor-intensive and by its nature local. \$100 million in new revenue could generate new construction jobs in every district in the state.
- **Provide financial assistance for local governments and ports:** The costs for federally mandated stormwater system upgrades are enormous and unavoidable. This bill will provide a critical source of funds to cashed-strapped local governments at a time they don't have the resources to meet this requirement.
- **Dramatically improve water quality and the environment:** Polluted stormwater runoff must be addressed if we are to restore Puget Sound and ensure healthy rivers and streams across the state. This bill provides the means to get the job done.

What will the bill do?

- Authorizes a \$1.50 per barrel fee on petroleum products that pollute stormwater. It is imposed at the refinery, not the gas pump. The fee will cover: gasoline, diesel, lubricants, industrial fuels and asphalt and road oils. It excludes: home heating oil, agricultural diesel and aviation fuels.
- Funds stormwater grant programs and low-impact development retrofit projects and activities that address petroleum contamination of stormwater.
 - 40% for local government projects and activities (requires 50% match)
 - 40% for retrofit projects for local governments (aiding development and redevelopment)
 - 10% for WSDOT projects and activities
 - 10% additional for local government retrofit or other projects.
- Requires a clear relationship between petroleum products and project outcomes.

Why put a fee on petroleum?

Contaminated runoff from our roads and urban areas is the number one water pollution problem in the state. Petroleum products are the most significant contributor to stormwater pollution levels. Current data indicates that 45-65% of stormwater pollution is due to petroleum products.

Why is new revenue needed?

100 cities and 15 counties across the state, representing 83% of the state population (see reverse side) are required by federal and state law to control stormwater pollution. The costs for compliance are enormous and legally unavoidable.

Cities are already preparing to spend over \$500 million of locally raised funds for stormwater projects and costs. At the same time, permit responsibilities are increasing. Without a source of state funds to meet these laws, many local governments will be forced to impose additional property or stormwater utility taxes.

Is this a fee or a tax?

To decide if a charge is a fee or a tax, the courts apply a three-factor test:

1. Whether the primary purpose is (a) to raise general revenue for unrelated purposes (indicative of a tax) or (b) to offset burdens (indicative of a fee);
2. Whether the money collected is required to be allocated only to the authorized regulatory purpose (indicative of a fee); and
3. Whether there is a direct relationship between the charge and the burden created by those who pay the charge (indicative of a fee).

SHB 1614 is designed to pay for a system of mitigating the burden of polluted stormwater caused by the presence of certain petroleum products in the state and is a regulatory fee, and not a tax.

The following are the cities and counties with unfunded stormwater obligations that will benefit from **SHB 1614**

NPDES Phase I Cities, Counties and WSDOT

<u>Cities</u>	<u>Counties</u>	<u>State Agency</u>
Tacoma Seattle	King County Pierce County Snohomish County Clark County	Washington State Department of Transportation

NPDES Phase II Stormwater Cities, Towns, and Counties

Western Cities

Aberdeen	Everett	Newcastle
Algona	Federal Way	Normandy Park
Anacortes	Ferndale	Oak Harbor
Arlington	Fife	Olympia
Auburn	Fircrest	Orting
Bainbridge	Gig Harbor	Pacific
Island	Granite Falls	Port Angeles
Battle Ground	Issaquah	Port Orchard
Bellevue	Kelso	Poulsbo
Bellingham	Kenmore	Puyallup
Black Diamond	Kent	Redmond
Bonney Lake	Kirkland	Renton
Bothell	Lacey	Sammamish
Bremerton	Lake Forest Park	Sea-Tac
Brier	Lake Stevens	Sedro-Woolley
Buckley	Lakewood	Shoreline
Burien	Longview	Snohomish
Burlington	Lynnwood	Steilacoom
Camas	Maple Valley	Sumner
Centralia	Marysville	Tukwila
Clyde Hill	Medina	Tumwater
Covington	Mercer Island	University Place
Des Moines	Mill Creek	Vancouver
DuPont	Milton	Washougal
Duvall	Monroe	Woodinville
Edgewood	Mount Vernon	
Edmonds	Mountlake Terrace	
Enumclaw	Mukilteo	

Eastern Cities

Clarkston	Pullman	Union Gap
East Wenatchee	Richland	Walla Walla
Ellensburg	Selah	Wenatchee
Kennewick	Spokane	West Richland
Moses Lake	Spokane Valley	Yakima
Pasco	Sunnyside	

Western Counties

Cowlitz County
Kitsap County
Skagit County
Thurston County
Whatcom County

Eastern Counties

Asotin County
Chelan County
Douglas County
Franklin County
Spokane County
Walla Walla County
Yakima County

For more information, please contact:

Mo McBroom, Washington Environmental Council (206) 351-4999
 Dave Williams, Association of Washington Cities (360) 280-5279
 Scott Merriman, Washington State Association of Counties (360) 951-9256
 Eric Johnson, Washington Public Ports Association (360) 943-0760
 Steve Robinson, Northwest Indian Fisheries Commission