HB 3814 A -5 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

Prepared By: Alexa Piscanio, LPRO Analyst
Meeting Dates: 4/22, 4/24

WHAT THE MEASURE DOES:

The measure authorizes the Environmental Quality Commission and the Department of Environmental Quality to issue a permit for a portion of a water body to be used as a mixing zone for wastewater discharge from seafood processing facilities to satisfy bacteria water quality standards, if DEQ determines that the mixing zone does not pose a risk to public health. It specifies that facilities using this permit must implement best management practices, based on a site-specific investigation, to prevent external fecal contamination from entering their wastewater. Takes effect on the 91st day following adjournment sine die.

Fiscal impact: Has minimal fiscal impact.

Revenue impact: No revenue impact.

HOUSE VOTE: Ayes, 51; Nays, 0; Excused, 9.

ISSUES DISCUSSED:

- Potential technical fix amendment to change Section 5 terminology from "required" to "prohibited."
- Seafood processers connected to municipal systems in other states
- Bacteria limits in NPDES permits

EFFECT OF AMENDMENT:

-5 amendment replaces the term "required" with "prohibited" in line 5 of the printed A-engrossed bill. The amendment instead reads "Notwithstanding any other provision of this chapter, and except as prohibited by federal law."

BACKGROUND:

According to the Department of Environmental Quality (DEQ), wastewater from industrial facilities, such as seafood processing facilities, can carry pollutants that harm aquatic life and pose risks to human health. Under federal and state law, DEQ issues permits that require facilities to treat their wastewater before discharging it into the environment. These permits ensure that pollutants are reduced to levels that protect both people and ecosystems. DEQ offers two types of permits: general permits, which apply to facilities with similar discharges and are more efficient but often more cost-effective; and individual permits, which are tailored to specific facilities and may allow more flexibility, such as the use of mixing zones.

Seafood processing wastewater contains materials like fish parts, blood, digestive waste, storage water, and cleaning product residues. This type of wastewater typically has a high biochemical oxygen demand (BOD), meaning it depletes oxygen in the water, potentially creating “dead zones” where aquatic life can't survive. It also contains total suspended solids (TSS), which can block sunlight, reduce oxygen, and cause nuisance conditions. Larger processors may discharge additional pollutants like oils, grease, chlorine, and certain metals, which are toxic to aquatic life. In some cases, the wastewater may also carry fecal bacteria at levels unsafe for recreation and shellfish harvesting.