
**Select Committee on
Hood Canal**

HB 3039

Brief Description: Reducing nitrogen discharges into an aquatic rehabilitation zone.

Sponsors: Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan.

Brief Summary of Bill

- Requires the Department of Ecology to ensure that sewage systems within Aquatic Rehabilitation Zone (ARZ) One remove nitrogen to the fullest extent practical before issuing or renewing a permit.
- Directs local health officers within ARZ One to designate nitrogen as a contaminant of concern.
- Requires on-site sewage systems installed within ARZ One after January 1, 2009, to address nitrogen, and all existing systems installed before January 1, 2009, to address nitrogen by January 1, 2014.

Hearing Date: 1/24/06

Staff: Jeff Olsen (786-7157).

Background:

Hood Canal

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. In 2005, authority was provided to establish aquatic rehabilitation zones (ARZs) for areas whose surrounding marine water bodies pose serious environmental or public health concerns. The first ARZ, known as ARZ One, was created for the watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

Federal Law

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. Among other requirements, the CWA sets effluent limits on discharges of pollutants to navigable waters and requires states to adopt surface water quality standards to protect humans, fish, and other aquatic life. The CWA also establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate certain wastewater and stormwater discharges.

State Permit Program

The Department of Ecology (DOE) administers a state program for discharge of pollutants to state waters from municipalities or from commercial or industrial operations. The DOE also administers the federal NPDES permit program under a delegation of authority from the United States Environmental Protection Agency. The DOE issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers) in the state and NPDES permit programs.

On-site Systems

The State Board of Health has adopted rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, including on-site sewage systems (OSS). Permits are required for the installation, alteration, extension, or relocation of an OSS. Local boards of health issue OSS permits, enforce the standards, and may adopt more stringent local standards.

Summary of Bill:

The DOE must ensure sewage systems within ARZ One remove nitrogen to the fullest extent practical before issuing or renewing a permit. Existing permittees may have a compliance schedule established by the DOE to adopt nitrogen removal treatment. The schedule must be as short as possible and may not extend beyond January 1, 2014. Any new or replacement system permitted after the effective date of the act must install nitrogen removing treatment before a permit may be granted.

Local health officers within ARZ One must designate nitrogen as a contaminant of concern. Any on-site sewage systems installed or repaired after January 1, 2009, must address nitrogen, and all existing systems installed before January 1, 2009, must address nitrogen by January 1, 2014.

If the Department of Health (DOH) finds that systems to treat nitrogen have not been approved, have limited performance, or are prohibitively expensive, the DOH may extend the compliance deadlines by three years. If the DOH authorizes the extension, it must report its findings to the appropriate committees of the legislature.

Appropriation: None.

Fiscal Note: Requested on 1/20/06.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.