

# HOUSE BILL REPORT

## HB 2086

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**As Reported by House Committee On:**  
Select Committee on Hood Canal

**Title:** An act relating to authorizing extension or expansion of sewage treatment systems in rural areas when necessary to address Hood Canal concerns.

**Brief Description:** Authorizing extension or expansion of sewage treatment systems in rural areas when necessary to address Hood Canal concerns.

**Sponsors:** Representatives McCoy, Eickmeyer, Chase, Wallace, Blake, Linville, Morrell, Uptegrove, Appleton and Hunt.

**Brief History:**

**Committee Activity:**

Select Committee on Hood Canal: 2/24/05, 3/1/05 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Puget Sound Action Team to assess the effectiveness of nitrogen treatment by currently approved and alternative on-site sewage treatment technologies.
- Requires the Puget Sound Action Team to conduct an inventory of on-site sewage systems operating in the Hood Canal watershed.

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### HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Appleton and Chase.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; and Walsh.

**Staff:** Caroleen Dineen (786-7156).

**Background:**

The Growth Management Act (GMA) requires counties (and their cities) meeting certain population and growth criteria to plan under the GMA's major requirements and allows others to choose to plan under the major requirements (these are referred to collectively as "GMA

jurisdictions"). Currently, 29 of the 39 counties (and their cities) in Washington are GMA jurisdictions.

Among other requirements, GMA jurisdictions must designate urban growth areas (UGAs), or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. "Urban growth" is defined in the GMA to include growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for certain agricultural, mineral, rural, and natural resources uses.

The GMA specifies that, in general, it is not appropriate to extend or expand urban governmental services in rural areas except in limited circumstances shown to be necessary to protect basic public health and safety and the environment. The GMA requires such services to be financially supportable at rural densities and specifies they cannot permit urban development. The term "urban governmental services" is defined in the GMA to include those public services and public facilities at an intensity historically and typically provided in cities. The definition specifically includes storm and sanitary sewer systems.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs in Puget Sound. The Hood Canal Coordinating Council (HCCC) is a group of county and tribal governments established to address water quality problems and natural resource issues in the Hood Canal watershed. In May 2004, the PSAT and HCCC prepared a report - the *Preliminary Assessment and Corrective Action Plan* (PACA) - assessing human-influenced nitrogen sources for Hood Canal. The PACA identifies six major categories of sources, including human sewage, and specifies recommendations for corrective actions for these categories.

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### **Summary of Substitute Bill:**

The PSAT must assess the effectiveness of nitrogen treatment provided by currently approved and alternative on-site sewage treatment technologies. The PSAT may consult with federal, state, tribal, and local agencies in conducting the assessment. By December 1, 2005, the PSAT must submit a report documenting its findings to the appropriate committees of the Legislature.

The PSAT also must conduct an inventory of on-site sewage systems operating in the Hood Canal watershed. The PSAT must submit the inventory to the appropriate legislative committees by December 1, 2006.

**Substitute Bill Compared to Original Bill:** The substitute removes provisions authorizing sewer systems to be extended to or expanded in rural areas within the aquatic rehabilitation zone one designated in House Bill 2081. The substitute also removes the provisions specifying conditions on such expansions or extensions. The substitute extends the deadline for the PSAT to conduct the onsite sewage system inventory from 2005 to 2006.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 17, 2005.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (Original bill) This bill is intended to help address the high nitrogen concentrations in Hood Canal. Although onsite sewage systems may not be the sole issue, this bill allows the development of community sewer systems in the Hood Canal watershed to help address this problem. The language of the bill will be clarified regarding extension or expansion of systems for public health and environmental reasons.

(With concerns on original bill) This bill may not be necessary. Sewers may be one of various possible Hood Canal solutions. The current GMA authority probably can be used to provide sewers wherever they are needed because of public health and environmental concerns. Sewering may create the risk of additional development in this area. If additional tools are needed, they should be developed without undermining the purposes of the GMA.

**Testimony Against:** (Original bill) The PSAT shares concerns regarding the Hood Canal's condition and recognizes the intent to promote development of better sewage treatment options. Sections 2 and 3 of the bill could cause complications regarding the interpretation of the GMA's requirements. The bill should be amended to clarify that these provisions do not affect the Port Gamble national historic town designation.

The PSAT has contracted for the assessment of nitrogen treatment technologies. The assessment is in draft form and should be available in spring 2005. The on-site sewage system inventory is a formidable task and is the kind of work most appropriately done by local health districts and the state Department of Health. It may not be possible to complete the assessment by December 2005.

**Persons Testifying:** (In support of the original bill) Representative John McCoy, prime sponsor.

(With concerns on original bill) Genesee Adkins, Futurewise; and Jon Rose, Port Gamble Pope Resources.

(Opposed) Terry Hull, Puget Sound Action Team; Keith Dublanica, Skokomish Tribe; and Heather Ballash, Department of Community, Trade and Economic Development.

**Persons Signed In To Testify But Not Testifying:** None.