

# HOUSE BILL REPORT

## HB 1605

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**As Reported by House Committee On:**  
Puget Sound, Select

**Title:** An act relating to the effect of extension of sewer services in aquatic rehabilitation zone one.

**Brief Description:** Regarding the extension of sewer services in aquatic rehabilitation zone one.

**Sponsors:** Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes.

**Brief History:**

**Committee Activity:**

Select Committee on Puget Sound: 2/7/07, 2/27/07 [DPS].

**Brief Summary of Substitute Bill**

- Allows for development of new systems of sewerage and for the extension of existing systems of sewerage beyond urban growth areas, but only within designated areas surrounding Hood Canal.

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### HOUSE SELECT COMMITTEE ON PUGET SOUND

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Upthegrove, Chair; Eickmeyer, Vice Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien, Pearson and Springer.

**Staff:** Karen Rogers (786-7388).

**Background:**

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have experienced low dissolved oxygen concentrations for many years, the lowest reported concentrations occurring in 2004. Recent low-concentration events have resulted in significant fish kills.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Growth Management Act (GMA) requires state and local governments to manage land-development growth by identifying and protecting critical areas and natural resource lands, by designating areas according to use, such as urban growth areas and rural areas, and by regulating which activities and services may occur in a designated area. One of the regulated services is sanitary sewer systems, which the GMA classifies as urban services. The GMA also states that it is inappropriate to extend or expand urban governmental services into rural areas except in limited circumstances shown to be necessary to protect basic public health and safety, and the environment.

The Aquatic Rehabilitation Zone One (ARZ-1) is an area within Jefferson, Kitsap, and Mason counties. The ARZ-1 includes watersheds that drain into Hood Canal south of the line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

Legislative authority requires local health officers to create marine recovery areas (MRAs) wherever shellfish growing areas are threatened or downgraded by the Department of Health. As of yet, no MRAs have been created; however, local health officers are required to create MRAs by July 1, 2007.

Legislative authority of each county is required to create shellfish protection districts (SPDs) whenever non-point pollution threatens the water quality for shellfish farming or harvesting. The ARZ-1 contains three SPDs: the Lower Hood Canal SPD, which is inactive; the Port Gamble SPD, which is dissolved; and the Annas Bay SPD, which is active.

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

New sewerage systems and extensions of existing sewerage systems are permitted outside urban growth areas, but only within two select areas surrounding Hood Canal. The first area consists of the North Shore and the area extending 100 feet landward from it. As defined, the North Shore runs along the north shoreline of Hood Canal from Belfair westward to the intersection of Northeast Quail Ridge Drive and Northeast North Shore Road at Bald Point. The second area consists of the South Shore and the area extending 100 feet landward from it. The South Shore is defined as the area running along the south shoreline of Hood Canal from Belfair westward to the community known as Union.

Sewerage service in these two areas is limited to servicing only existing commercial and residential development, as well as undeveloped, legally platted, commercial or residential properties. The sewerage systems must have the capacity to remove nitrates and phosphates to meet the Department of Ecology's water quality standards, may be located beyond urban growth areas provided they operate with membrane bioreactor technology, and may connect to existing sewerage systems servicing urban growth areas.

### **Substitute Bill Compared to Original Bill:**

House Bill 1605 states that the development and expansion of sewerage systems beyond urban growth areas are limited to MRAs, to SPDs, and to areas that the Department of Health deems a

health threat, all within the ARZ-1. The substitute bill limits the development and expansion of sewerage systems to the North Shore and the South Shore, and to the areas 100 feet or less landward of them. Furthermore, HB 1605 limits service to areas where parcels of record existed at the time the MRAs, SPDs, and health-threat areas were created. The substitute bill limits service to residential and commercial development existent at the effective date of the act, and to legally platted residential and commercial development as existent at the effective date of the act.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 27, 2007.

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

**Staff Summary of Public Testimony:**

(In support) The bill helps the environment by treating sewerage via sewerage systems and taking development off septic systems, which are contributing to poor water quality. The bill also resolves conflicts, such as the one experienced by Cooper Point when it was unable to address its sewerage problems due to existing restrictions.

The bill addresses a GMA issue by stating that new sewerage systems or expansions outside of urban growth areas will not constitute a change in land-use classification. Also, sewerage services are public-health oriented, and the bill specifically addresses sewerage services without overriding the GMA.

The bill states that only existing development may connect to new sewerage systems or extensions.

(In support with concerns) The GMA already addresses the problems of development outside of urban growth areas that is not serviced by sewer extensions. One way the GMA does this is by LAMIRD, limited areas of more intensive rural development.

The service districts have the potential to be large. Large areas are not required to accomplish the desired results of improving water quality, and it would be better to use the tools currently existent.

(Opposed) Development may grow and density may increase as a result of this bill, which in turn may cause other environmental problems, as well as problems with traffic and school service.

**Persons Testifying:** (In support) Representative Eickmeyer, prime sponsor; Bill Clarke, Washington Public Utility Districts Association; and Joe Daniels, Washington Association of Water and Sewer Districts.

(In support with concerns) Ron Shultz, Puget Sound Action Team.

(Opposed) Heather Ballash, Department of Community, Trade and Economic Development.

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