
SUBSTITUTE HOUSE BILL 3039

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Select Committee on Hood Canal (originally sponsored by Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to reducing nitrogen discharges from sewage systems
2 in the Hood Canal aquatic rehabilitation zone; adding new sections to
3 chapter 90.48 RCW; adding a new section to chapter 70.05 RCW; and
4 adding a new section to chapter 70.118 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW
7 to read as follows:

8 (1) Before issuing or renewing a permit for a sewage system within
9 an aquatic rehabilitation zone in Hood Canal established under RCW
10 90.88.010(2), the department shall ensure that the system removes
11 nitrogen from the wastewater to the fullest extent practical. The
12 department shall specify conditions in each permit necessary to ensure
13 that nitrogen removal is effective. This requirement must be
14 implemented without requiring rule making by the department.

15 (2) Existing permittees under RCW 90.48.160 and 90.48.162 that
16 operate a sewage system within an aquatic rehabilitation zone in Hood
17 Canal established under RCW 90.88.010(2), may have a compliance
18 schedule established by the department to adopt nitrogen removal
19 treatment. The compliance schedule must be as short as possible and

1 may not extend beyond January 1, 2014. Any new system or replacement
2 system permitted after the effective date of this section must install
3 nitrogen removing treatment before a permit may be granted.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.05 RCW
5 to read as follows:

6 (1) Within an aquatic rehabilitation zone in Hood Canal established
7 under RCW 90.88.010(2) the local health officer must:

8 (a) Designate nitrogen as a contaminant of concern for purposes of
9 on-site sewage system rules adopted by the state board of health under
10 RCW 43.20.050;

11 (b) Require that any on-site sewage system that is installed or
12 repaired on or after January 1, 2009, address nitrogen before it is
13 approved for use; and

14 (c) Require that any on-site sewage system that is in use or
15 approved for use before January 1, 2009, address nitrogen by January 1,
16 2014.

17 (2) If the department finds that technology to treat nitrogen from
18 an on-site sewage system has not been approved by the department as
19 required under rules adopted by the state board of health under RCW
20 43.20.050, or that the technology that is available has limited
21 performance or is prohibitively expensive, the department may in
22 writing authorize the local health officer up to a three-year extension
23 on the deadlines set out in subsection (1) of this section. If the
24 department authorizes an extension, it shall include the findings of
25 the department on the need for the extension and notify the appropriate
26 committees of the legislature.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118 RCW
28 to read as follows:

29 Within an aquatic rehabilitation zone established under RCW
30 90.88.010(2), the department must:

31 (1) Require that any large on-site sewage system that is installed
32 or repaired on or after January 1, 2009, address nitrogen before it is
33 approved for use; and

34 (2) Require that any large on-site sewage system that is in use or
35 approved for use before January 1, 2009, address nitrogen by January 1,
36 2014.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW
2 to read as follows:

3 The department of ecology shall offer financial and technical
4 assistance to local governments and tribal entities in the aquatic
5 rehabilitation zone established under RCW 90.88.010(2) to establish or
6 expand on-site sewage system repair and replacement local loan and
7 grant programs. The programs shall give priority to low-income home
8 owners and award grants based on financial need.

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