

SENATE BILL REPORT

2SHB 3227

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 29, 2008

Title: An act relating to protecting Hood Canal by removing nitrates and phosphates from on-site sewage disposal systems and wastewater treatment plants.

Brief Description: Protecting the water quality in Hood Canal.

Sponsors: House Committee on Apps Subcom GG (originally sponsored by Representatives Eickmeyer, Sump, Chase, Quall, Hasegawa, Appleton, Simpson, Haigh, Wallace, Dickerson, Takko, Conway, Pedersen, Kagi, Armstrong, Priest, Walsh, Hinkle, Condotta, McCoy, Roberts, Morris, Hudgins, Rolfes, Lantz, Schual-Berke, Morrell, Campbell, Sells, Sullivan, Kenney and Linville).

Brief History: Passed House: 2/15/08, 94-0.

Committee Activity: Water, Energy & Telecommunications:2/26/08, 2/29/08 [DPA].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford, Ranking Minority Member; Fraser, Hatfield, Holmquist, Morton, Oemig and Pridemore.

Staff: Jan Odano (786-7486)

Background: Portions of Hood Canal have had low dissolved oxygen concentrations for many years, some that have been recorded since the 1950s. There are concerns that the low dissolved oxygen concentrations appear to be worsening and that human-related activities may be a factor. Human-related activities and sources supply nitrogen and organic material that stimulate the growth of plankton. The decomposition of the plankton can deplete the surrounding water of oxygen, which plays a role in Hood Canal's low dissolved oxygen condition.

In 2005, the Legislature established an aquatic rehabilitation zone (ARZ) for Hood Canal as the framework to address low oxygen concentrations. The first ARZ, known as ARZ One, was created for the watershed that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

Summary of Bill (Recommended Amendments): Any new or retrofitted on-site sewage disposal system installed within ARZ One after July 1, 2009, is prohibited from discharging more than 20 milligrams per liter of nitrogen to ground or surface water.

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 Departments of Health and Ecology must report to the Legislature on the impacts of removing phosphates from the discharge of on-site sewage disposal systems and wastewater treatment systems within ARZ One. In addition, the departments must report within five years on the effectiveness of the requirement to limit nitrogen for on-site sewage systems, a review of the costs to meet the requirements, and provide recommendations for any necessary changes to the nitrogen standard.

EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments): The Departments of Ecology and Health are required to report to the Legislature on the effectiveness of the nitrogen requirement for on-site sewage systems, the cost impacts of the nitrogen requirement, and make recommendations for any necessary changes to the nitrogen standard.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute Bill: PRO: It is necessary to limit the amount of nitrogen going into Hood Canal. This can be done without costing a lot of money, and technology can meet the standards set in the bill. There should be a report to the Legislature about the costs, feasibility, and effectiveness of the new and specific standards. In the past, the focus of water quality was on fecal coliform. Now, it is important to move forward as there is new technology to address the low dissolved oxygen issues in Hood Canal.

Persons Testifying: PRO: Representative Eickmeyer, prime sponsor; Bruce Wishart, People for Puget Sound; Bill Clarke, Public Utility Districts; Melodie Selby, Ecology.