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ENGROSSED HOUSE BILL 2105

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Chase, DeBolt, Eickmeyer, Hinkle, Kessler, O'Brien, McCune, Ormsby, Hankins, Clements, Hasegawa, Ericks, Upthegrove, Moeller, Flannigan, Appleton, Hunt and McCoy

Read first time 02/17/2005. Referred to Committee on Select Committee on Hood Canal.

1 AN ACT Relating to including the Hood Canal area in the state's on-  
2 site sewage grant program; amending RCW 90.71.100; and declaring an  
3 emergency.

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

5 **Sec. 1.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read  
6 as follows:

7 (1) The action team shall establish (~~(a shellfish)~~) an on-site  
8 sewage grant program (~~(in)~~) for:

9 (a) Puget Sound;

10 (b) Mason, Jefferson, and Kitsap counties; and

11 ~~((for))~~ (c) Pacific and Grays Harbor counties.

12 (2) The action team shall provide funds to local health  
13 jurisdictions to be used as grants to individuals for improving their  
14 on-site sewage systems. The grants may be provided only in areas:

15 (a) That have the potential to adversely affect water quality in  
16 commercial and recreational shellfish growing areas; or

17 (b) Within the watersheds that drain to Hood Canal south of a line  
18 projected from Tala Point in Jefferson county to Foulweather Bluff in  
19 Kitsap county.

1       (3) A recipient of a grant shall enter into an agreement with the  
2 appropriate local health jurisdiction to maintain the improved on-site  
3 sewage system according to specifications required by the local health  
4 jurisdiction.

5       (4)(a) For grants provided in Puget Sound and Pacific and Grays  
6 Harbor counties, the action team shall work closely with local health  
7 jurisdictions and shall endeavor to attain geographic equity between  
8 Willapa Bay and the Puget Sound when making funds available under this  
9 program. For the purposes of this subsection, "geographic equity"  
10 means issuing on-site sewage grants at a level that matches the funds  
11 generated from the oyster reserve lands in that area.

12       ~~((+2))~~ (b) For grants provided in Mason, Jefferson, and Kitsap  
13 counties, the action team may use any:

- 14       (i) Funds appropriated by the legislature;  
15       (ii) Federal funds received for this program; and  
16       (iii) Funds generated from oyster reserve lands, as provided in RCW  
17 77.60.160, that are located in Mason, Jefferson, and Kitsap counties.

18       (5) In the Puget Sound, the action team shall give first priority  
19 to areas that are:

20       (a) Identified as ~~((("areas of special concern" under WAC 246-272-~~  
21 ~~01001))~~ areas of special concern in rules adopted by the department of  
22 health pursuant to chapter 70.118 RCW and RCW 43.20.050; or

23       (b) Included within a shellfish protection district under chapter  
24 90.72 RCW.

25       ~~((+3))~~ (6) In Grays Harbor and Pacific counties, the action team  
26 shall give first priority to preventing the deterioration of water  
27 quality in areas where commercial or recreational shellfish are grown.

28       ~~((+4))~~ (7) The action team and each participating local health  
29 jurisdiction shall enter into a memorandum of understanding that will  
30 establish an applicant income eligibility requirement for individual  
31 grant applicants from within the jurisdiction and other mutually  
32 agreeable terms and conditions of the grant program.

33       ~~((+5))~~ (8) The action team may recover the costs to administer  
34 this program not to exceed ten percent of the shellfish - on-site  
35 sewage grant program.

36       ~~((+6) For the 2001-2003 biennium, the action team may use up to~~  
37 ~~fifty percent of the shellfish - on-site sewage grant program funds for~~

1 ~~grants to local health jurisdictions to establish areas of special~~  
2 ~~concern under WAC 246-272-01001, or for operation and maintenance~~  
3 ~~programs therein, where commercial and recreational uses are present.))~~

4 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 immediately.

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