
HOUSE BILL 3039

State of Washington 59th Legislature 2006 Regular Session

By Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan

Read first time 01/18/2006. Referred to Committee on Select Committee on Hood Canal.

1 AN ACT Relating to reducing nitrogen discharges from sewage systems
2 in the Hood Canal aquatic rehabilitation zone; adding a new section to
3 chapter 90.48 RCW; and adding a new section to chapter 43.20 RCW.

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

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

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

14 (2) Existing permittees under RCW 90.48.160 and 90.48.162 that
15 operate a sewage system within an aquatic rehabilitation zone
16 established under RCW 90.88.010(2), may have a compliance schedule
17 established by the department to adopt nitrogen removal treatment. The
18 compliance schedule must be as short as possible and may not extend

1 beyond January 1, 2014. Any new system or replacement system permitted
2 after the effective date of this section must install nitrogen removing
3 treatment before a permit may be granted.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20 RCW
5 to read as follows:

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

8 (a) Designate nitrogen as a contaminant of concern;

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

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

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

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