

# HOUSE BILL REPORT

## HB 1418

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**As Reported By House Committee On:**  
Health Care

**Title:** An act relating to state and county government.

**Brief Description:** Transferring regulatory authority over on-site sewage disposal systems to local boards of health.

**Sponsors:** Representatives Mielke, Talcott, Huff, Hargrove, Hymes, Morris, Sehlin, Sheldon, Pelesky, K. Schmidt, Campbell, Johnson, Smith, Thompson and L. Thomas.

**Brief History:**

**Committee Activity:**

Health Care: 2/28/95 [DPS].

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Morris; Sherstad and Skinner.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Kessler.

**Staff:** Bill Hagens (786-7131).

**Background:** Under current law, the state Board of Health is authorized to adopt rules and standards governing the design, construction, and operation of sewage systems in order to protect public health. By statute, local boards of health are required to enforce rules adopted by the state Board of Health.

In 1974, the state Board of Health first adopted regulations pertaining to the design, installation and management of on-site sewage systems. In 1994, after several years of public input and discussion, the state Board of Health adopted revisions to the on-site regulations. The updated regulations became effective January 1, 1995.

The state regulations establish minimum standards for local regulation of on-site systems. Local boards of health are required to submit their on-site sewage system regulations to the state Department of Health for approval.

Current law defines an on-site sewage system failure as a condition where: (a) effluent has been discharged on the surface of the ground prior to treatment; (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a groundwater supply.

**Summary of Substitute Bill:** Local boards of health are to adopt regulations concerning on-site systems. State Board of Health standards for on-site sewage systems are advisory only. The state board is directed to provide technical assistance to local jurisdictions regarding regulation of on-site systems.

If local boards of health find that standards more or less restrictive than the state standards are appropriate, the local board of health may adopt ordinances containing more or less restrictive standards for certain geographic areas. The local standards must meet the intent of the state Board of Health guidelines.

Local on-site sewage system regulations are applicable to local soil conditions and must assure protection of public health. Local boards of health are directed to establish programs to enhance the maintenance and operation of on-site systems.

The definition of an on-site sewage system "failure" is modified. A failure is redefined to include only conditions that threaten public health by creating the potential for direct or indirect contact between sewage and the public. Local boards of health may waive applicable sections of local plumbing or building codes in order to allow alternative methods of correcting a failure.

Alternative on-site systems are to be approved exclusively by local boards of health.

**Substitute Bill Compared to Original Bill:** The substitute bill permits local boards of health to adopt rules that are more restrictive as well as less restrictive than state advisory standards.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** Current standards may be too restrictive and not allow for appropriate flexibility at the local level.

**Testimony Against:** This bill could result in the "Balkanisation" of on-site sewage standards with as many as 39 different standards across the state.

**Testified:** Brian Minnich and Bill Huyeng, BIAW (pro); Dan Baskins, HBA Kitsap/KLOC (pro); Eric Slagle, Department of Health (con); Don Leaf, Washington State Environmental Health Director (con); Janet Dawes (con); and Bill Dewey, Pacific Coast Oyster Growers Association (con).