

HOUSE BILL REPORT

HB 2248

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to sewage disposal.

Brief Description: Changing provisions relating to sewage disposal.

Sponsors: Representatives Hymes, Sehlin, Koster, Johnson, Hargrove, Beeksma, Chandler and Thompson.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/25/96, 1/31/96 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Murray; Ogden; Regala; Robertson; Rust and Schoesler.

Staff: Bill Lynch (786-7092).

Background: Local health officials are responsible for determining whether an alternative septic system will work successfully on a specific site. Local health officials sometimes disapprove the installation of alternative septic systems which have been technically approved by the Department of Health. There are concerns that local health officials are not familiar with new technology pertaining to alternative septic systems and deny their installation without providing justification.

Developers are sometimes unable to get approval for a development because a local government will condition its approval on the creation of a sewer district to serve the development, but a sewer district cannot be created without residents. Local homeowners' associations can be created and members appointed to serve the residents until they elect their own representatives to the homeowners' association.

Summary of Substitute Bill: A local health officer or the legislative authority of a county or city must respond to an applicant for an on-site sewage system permit

within 30 days after receiving a fully completed application. The application must be approved, denied, or identified as pending. Any denial must be for cause and based upon public health and environmental protection concerns, or conflicts with other existing laws, regulations, or ordinances. The applicant must be provided a written justification for the denial, along with an explanation of the appeal process.

If an application to install an on-site sewage system is identified as pending and will take longer than 30 days to review, then the applicant must be provided with written justification that the site-specific conditions or circumstances require more time for a decision. Any specific information necessary to make a decision and a time estimate for the decision being made must be provided.

Neither a local health officer nor the legislative authority of a county, city, or town may limit the number of alternative on-site sewage disposal systems within its jurisdiction without cause. Any such limitation must be based upon environmental concerns, or conflicts with other existing laws, regulations, or ordinances. Any such limitation must be in writing with specific reasons which justify the limitation. An explanation of the appeal process must be included.

The Department of Health is required to include a person who is familiar with the operation and maintenance of certified proprietary devices on the Technical Review Committee responsible for evaluating the general use of alternative on-site sewage disposal systems in the state.

An alternative method for forming a sewer district is established. A county legislative authority may authorize the formation of a sewer district to serve a new development that at the time of formation does not have any residents, if it finds that the formation is in the public interest. The county legislative authority appoints the initial commissioners of the district, who serve until 75 percent of the development is sold and occupied. The developer is required to notify the county auditor to conduct an election once 75 percent of the development is sold and occupied. Persons who serve as commissioners of sewer districts created pursuant to this alternate method are not entitled to compensation.

Substitute Bill Compared to Original Bill: The original bill prohibited local health officers, cities, and counties from denying the installation of an on-site sewage system that had been approved by the State Board of Health and the National Sanitation Foundation without specific findings based upon scientific evidence.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Many of the current pollution problems are from old, failing systems. New technology allows previously undeveloped lots to be developed. The new technology works well. Alternative systems are being denied arbitrarily.

Testimony Against: (Against original bill) Local health officers and local governments know their own soil conditions and circumstances. State review cannot be substituted for local knowledge of conditions. Local governments should not have the burden of showing why a system should not be installed. The National Sanitation Foundation (NSF) does not test for bacteria or viruses. The new systems often require significant maintenance and operation to work properly.

Testified: Brian Minnich and Ed Stanton, BIAW; and Harry Grenawitzke, NSF International (in favor). Mike Vinatieri, Environmental Health Director; Jeff Parsons, People for Puget Sound; and Lou Hagler, CPDA (against). Bill White, Washington State Department of Health; Ron Inman, Northwest Cascade, Inc.; and Mike Morris (shared concerns).