

SENATE BILL REPORT

SHB 2248

As Reported By Senate Committee On:
Ecology & Parks, February 23, 1996

Title: An act relating to sewage disposal.

Brief Description: Changing provisions relating to sewage disposal.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Hymes, Sehlin, Koster, Johnson, Hargrove, Beeksmas, Chandler and Thompson).

Brief History:

Committee Activity: Ecology & Parks: 2/14/96, 2/23/96 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Kari Guy (786-7437)

Background: On-site System Regulation. There are a variety of devices and systems for the on-site treatment of sewage. Under state Department of Health regulations, an on-site system other than a conventional gravity system or conventional pressure distribution system is regulated as an "alternative system." The regulation of alternative on-site systems is undertaken at both the state and local levels. At the state level, the Department of Health, with the assistance of an advisory committee called the Technical Review Committee (TRC), approves specific proprietary systems or devices. The TRC is created by state rule and comprises representatives of various state and local health agencies, engineering and on-site system design and installation firms, product manufacturers, and others. The review and approval is based upon information supplied by the manufacturer that the device meets or exceeds state standards for that type of alternative system.

Once a device is state-approved, it is added to a list of approved devices that becomes available to engineers and designers who develop site-specific proposals for an on-site system. These proposals are reviewed and approved by the local health agency. The local approval may condition all or part of the proposed alternative system to address specific site issues and operation and maintenance needs.

The state has adopted statewide minimum standards for the siting and operation of on-site systems, which were last substantially revised and strengthened by rules adopted in 1994. Local health agencies must administer programs consistent with these standards but may exceed the standards to address local circumstances. Legislation enacted in 1995 specifies

circumstances under which a local health agency may approve waivers from the state minimum standards.

On-site System Inspection and Management. Under current law, counties are authorized to control, regulate and manage systems of sewerage. The definition of systems of sewerage applicable to counties includes on-site septic systems. However, existing law does not provide explicit authorization for county sewage utilities to operate on-site septic system inspection and maintenance programs.

Cities are authorized to construct, condemn and purchase, acquire, and operate systems of sewerage. The definition of systems of sewerage applicable to cities includes only traditional sanitary sewage disposal facilities, and does not allow cities to include on-site septic systems within their sewage utility programs.

Sewer districts are special districts authorized to construct, condemn, and purchase, add to, maintain, and operate systems of sewerage, including on-site sewage disposal facilities and approved septic tanks. As part of their programs, sewer districts may provide systems for controlling pollution from wastewater, and for protecting and preserving surface and ground-water.

Summary of Amended Bill: On-site System Permitting. A local health officer must respond to an applicant for an on-site sewage system permit within 30 days after receiving a fully completed application, or within some other time period as established by the local jurisdictional health department. 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, including concerns about the operation and maintenance of the system, 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 other circumstances require more time for a decision.

Local health officers may not limit the number of alternative on-site sewage disposal systems within their jurisdictions without cause.

Alternative System Review. 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.

Sewer District Formation. 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, at the written request of the owners of 60 percent of the area to be included. The sewer district must meet all criteria for establishment of a sewer district, including compliance with the county comprehensive plan. The county legislative authority appoints the initial commissioners of the district. The district may be dissolved at the written request of the owners of 60 percent of the area of the district.

On-site System Inspection and Maintenance. Cities, counties, sewer districts, port districts, metropolitan municipal corporation, and public utility districts are provided explicit authority conduct on-site inspection and maintenance programs, and water pollution control monitoring and education programs.

Counties are also provided authority to include, as part of their sewer utilities, programs and facilities currently authorized by other statutes for: (1) county stormwater, drainage and flood management districts; (2) aquifer protection areas; (3) lake management districts; and (4) shellfish districts. Under these provisions, counties may not impose overlapping rates for the same program or service. The procedures and restrictions applicable to these various entities apply to counties implementing these programs through their sewer utilities.

The following requirements apply to on-site inspection and maintenance programs administered through sewer utilities operated by cities, counties, port districts, metropolitan municipal corporations, sewer districts, and public utility districts: rates and charges are to be based on the allocable share of the cost of providing the service; rates and charges are not to be imposed on the development, construction, or reconstruction of property; and notification must be provided, prior to adopting such a program, to residences that have on-site systems permitted by the local health department. In addition, after January 1, 1997, any requirement for pumping an on-site system is to be based on measurement of the accumulation of sludge in the system by a trained operator.

Amended Bill Compared to Original Bill: The time limit for approval of on-site systems may vary according to time limits set by the local jurisdictional board of health. On-site systems may be denied based on concerns relating to the operation and maintenance of the system.

The alternative means of establishing a sewer district is amended to reference existing statutes governing county approval of sewer districts.

Language amending the authority of counties, cities, sewer districts, port districts, and public utility districts to conduct on-site system inspection and maintenance programs is added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Alternative systems are affordable, and often more environmentally sound than traditional systems. Counties should not be able to limit the use of alternative systems without cause. This bill will provide greater predictability for builders proposing the use of alternative systems.

Testimony Against: Some jurisdictions have already established time limits, and should not have to change to a shorter or longer time frame. The time required to review an individual permit may vary based on site specific constraints. The local legislative authority should not be placed in a position of approving permits for on-site systems.

Testified: Representative Hymes, prime sponsor; Paul Parker, WA State Assn. of Counties (con); Gregg Grunenfelder, WA State Assoc. of Local Public Health Officials (con); Bill White, WA State Dept. of Health (con); Mike Morris, CPDA (pro); Ron Inman, Northwest Cascade Inc. (pro); James Cooper, CPDA (pro); Brian Minnich, BIAM (pro).