

# SENATE BILL REPORT

## ESSB 5247

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As Reported By Senate Committee On:  
Ecology & Parks, January 11, 1996

**Title:** An act relating to operating water pollution prevention, control, and reduction programs through local government systems of sewerage.

**Brief Description:** Facilitating local water quality programs.

**Sponsors:** Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser; by request of Puget Sound Water Quality Authority).

**Brief History:**

**Committee Activity:** Ecology & Parks: 1/18/95, 1/24/95 [DPS]; 1/10/96, 1/11/96 [DP2S].

Passed Senate, 3/14/95, 47-2.

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** That Second Substitute Senate Bill No. 5247 be substituted therefor, and the second substitute bill do pass.

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

**Staff:** Kari Guy (786-7437)

**Background:** 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.

Counties are also authorized to establish aquifer protection districts and shellfish protection districts, which may include elements for monitoring on-site septic systems. In addition to the authority provided as part of utility programs and special districts, counties are also authorized, through local boards of health, to implement regulatory programs for abating on-site sewer system failures.

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 sewers, 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. Sewer districts are authorized to adjust rates and charges for low income persons.

Failing on-site septic systems are regarded as a significant contributor to water quality degradation in some areas so of the state. It is suggested that clarifying the authority of cities, counties, sewer districts, and public utility districts to operate on-site septic system and maintenance programs as part of their utility services will provide local governments with additional tools for addressing water quality problems.

**Summary of Second Substitute Bill:** The definition of systems of sewerage is amended for cities, adding express authority to include septic system inspection and maintenance programs, water pollution control monitoring and education programs, and public restrooms in a city's sewer utility programs. Cities are provided additional authority to implement water pollution control programs under their sewer utility powers.

The definition of systems of sewerage is amended for counties, adding express authority to include, as part of county sewerage utilities, septic system inspection and maintenance programs, water pollution monitoring and education programs, and public restrooms. Such additional programs are required to be included in county sewerage general plans approved by joint county-city-special district review committees.

Counties are provided authority to implement water pollution control programs under their sewer utility powers. 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.

Sewer districts may include water pollution control programs in their comprehensive plans, and are provided express authority to include septic system inspection and maintenance programs as part of their utility services.

Public utility districts are provided the authority to conduct on-site septic system inspection and maintenance programs as part of their sewage system programs. A definition of sewage systems applicable to public utility districts is provided.

Cities, counties, and public utility districts are provided explicit authority to adjust rates and charges or provide other assistance to aid low income persons in participating in on-site septic system utility programs.

The following requirements apply to on-site inspection and maintenance programs administered through sewer utilities operated by cities, counties, 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.

**Second Substitute Bill Compared to Substitute Bill:** The definition of programs allowed under sewerage systems for cities, counties and PUDs is narrowed, eliminating language allowing agricultural, industrial and commercial management practices and education programs.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill will provide local governments the option of using a service-oriented, utility approach to inspection and maintenance of on-site septic systems. It will also help county governments administer water quality programs in a coordinated, integrated fashion.

**Testimony Against:** None.

**Testified:** PRO: Hugh Spitzer, Puget Sound Water Quality Authority; Paul Parker, Assoc. of Counties; Joe Daniels, WA Assn. of Sewer/Water Districts; Bill White, DOH (pro).