

# SENATE BILL REPORT

## SB 5493

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As of February 6, 1995

**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:** Senators Sheldon, Owen, Haugen, Oke, McCaslin, Heavey, Hochstatter, Snyder, Bauer, West and Palmer.

**Brief History:**

**Committee Activity:** Ecology & Parks: 2/7/95.

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Staff:** Cathy Baker (786-7708)

**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 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 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 less restrictive standards than the state standards are appropriate, the local board of health may adopt ordinances containing 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.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 1995.

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