

SENATE BILL REPORT

SB 6601

As Reported By Senate Committee On:
Ecology & Parks, February 2, 1996

Title: An act relating to sewage disposal.

Brief Description: Changing provisions relating to sewage disposal.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Ecology & Parks: 1/30/96, 2/2/96 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass.

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

Staff: Gary Wilburn (786-7453)

Background: 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. The state review is facilitated where the manufacturer demonstrates that the test protocols for certain recognized national organizations, such as Standard No. 40 of the National Sanitation Foundation, have been followed. The state Department of Health also develops guidance documents for the use of alternative on-site system technologies.

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.

Summary of Substitute Bill: A local health officer may not prohibit or condition the installation of an alternative on-site system that is approved by the state Department of Health, unless the officer determines that there are public health or environmental concerns, or conflicts with laws or ordinances. If review of an application requires more than 30 days, the officer must provide the applicant a written justification that includes the specific information needed to make a decision. The total number of alternative systems may not be limited within a local health officer's jurisdiction unless it is based upon public health or environmental concerns or conflicts with other laws.

The state Department of Health must include on the TRC a person familiar with the operation and maintenance of aerobic systems. The department must regularly review and update the state guidelines for alternative systems, with the first review to be completed by January 1997.

Substitute Bill Compared to Original Bill: The 15-day response deadline is extended to 30 days. A different standard for denying approval to install an alternative system is provided. The provision for regular review and update of the state guidelines is added in the substitute. The provision in the original bill regarding an alternative method of forming a sewer district is deleted.

Appropriation: None.

Fiscal Note: Requested on January 23, 1996.

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

Testimony For: Some local jurisdictions have been overly restrictive in allowing alternative systems that are state-approved, and the bill provides greater specificity as to circumstances when an application can be denied.

Testimony Against: Local health officers should have ability to limit alternative systems based on specific local circumstances such as environmentally sensitive resources.

Testified: Jeff Parsons, People for Puget Sound (con).