

ANALYSIS OF SSB 5838

House Agriculture & Ecology Committee

March 27, 1997

BACKGROUND:

***On-Site System Permitting:** There are a variety of devices and systems used 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 and conventional on-site systems is undertaken at both the state and local levels.*

The state has adopted statewide minimum standards for the siting and operation of on-site systems. Local health agencies must administer programs consistent with these standards but may exceed the standards to address local circumstances.

For alternative systems, 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.

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 may be approved or rejected by the local health agency.

***Water-Sewer District Formation:** To form a new water-sewer district, 10 percent of the registered voters who voted in the last municipal general election residing in the area must petition the county legislative authority. If the county, after hearing, determines that the district will be conducive to the public health and welfare, formation of the district is submitted to the voters. There is no method for forming a water-sewer district in a development that does not yet have residents.*

SUMMARY:

***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 completed application. The application may be approved, denied, or identified as pending. Any denial must be for cause and based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws or regulations.*

The applicant must be provided with a written justification for the denial, along with an explanation of the appeal process.

If an application to install an on-site system is identified as pending, the local health officer must provide the applicant with written justification that site-specific conditions or circumstances require more time for a decision. The local health officer also must estimate the time required for a decision to be made.

The local health officer may not limit the number of alternative systems allowed within the jurisdiction without cause. Any limitation must be based on environmental protection concerns, including concerns about the ability to operate and maintain the system, or conflicts with other laws. The limitation must be justified in writing and an explanation of the appeal process must be included.

The Department of Health must include one person familiar with the operation and maintenance of certified proprietary devices on the Technical Review Committee. The Department of Health must review and update the technical guidelines and standards for alternative on-site systems every three years, with the first review to be completed by January 1, 1999.

Water-Sewer District Formation: An alternative method for forming a water-sewer district is established for developments that do not yet have any residents. At the written request of 60 percent of the owners of the area to be included in the proposed district, the county legislative authority may authorize the formation of a water-sewer district to serve a new development. The district must be in compliance with the local comprehensive plan and any local plan for provision of water or sewerage facilities. The initial commissioners are appointed by the county legislative authority, and serve until 75 percent of the development is occupied. The water-sewer district may be subsequently transferred to a city or county or dissolved at the request of 60 percent of the owners of the area in the district.

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