

# SENATE BILL REPORT

## SSB 5838

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As Passed Senate, March 12, 1997

**Title:** An act relating to sewage disposal.

**Brief Description:** Requiring health boards to respond to requests for on-site sewage permits in a timely manner.

**Sponsors:** Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Morton and Winsley).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 2/25/97, 2/27/97 [DPS].  
Passed Senate, 3/12/97, 48-0.

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

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

**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, which were last substantially revised by rules adopted in 1994. 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 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.

Water-Sewer District Formation: To form a new water-sewer district, 10 percent of the registered voters in an 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 of 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 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 concerns or conflicts with other laws, and justified in writing.

The Department of Health must include one person familiar with the operation and maintenance of alternative on-site systems 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 or dissolved at the request of 60 percent of the owners of the area in the district.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Local health officers who are unfamiliar with an alternative system may delay acting on the on-site system permit. The added time adds to the cost of a home. Clear time limits are needed, and if a permit is denied it should be for specific public health

concerns. Alternative systems yield a cleaner effluent than many traditional systems, and should be encouraged.

**Testimony Against:** The limit of 60 additional days if an application is identified as pending is too short. If a local health district needs a winter water table study or other information that will take more than 60 days to receive, the application would have to be denied. The Technical Review Committee should review alternative system guidelines, but the deadline of January 1, 1998 is too soon.

**Testified:** Brian Minnich, BIAW (pro); Ed Stanton, BIAW (pro); Ronald Inman, Northwest Cascade, Inc.(pro); Bill White, DOH; Don Leaf, Washington State Env. Health Directors; Paul Parker, Washington State Association of Counties.

**House Amendment(s):** The following programs are authorized for cities, counties, and water sewer-districts as part of a sewer utility: on-site or off-site sanitary sewerage facilities; inspection and maintenance services for on-site systems; point and nonpoint source water pollution monitoring programs that are directly related to sewerage facilities; and public restroom and sanitary facilities.

Any requirement for pumping an on-site system septic tank should be based on actual measurement of accumulation of sludge by a trained inspector or owner. Training must occur in a program approved by the state board of health or local health district.

Before adopting on-site system inspection and maintenance services, the city, county or water-sewer district must provide notification to all residences within the proposed service area.

A city, county, or water-sewer district may not provide on-site sewage system inspection, pumping services, or other maintenance or repair services using city or county employees unless the on-site system is connected by a publicly-owned collection system to the city or county's sewerage system.

Cities and counties may provide assistance to aid low-income persons in connection with sewerage systems.

A metropolitan municipal corporation authorized to perform water pollution abatement may exercise the same powers related to systems of sewerage as a county. A port district may exercise the same powers related to systems of sewerage as a city or town.

Counties are authorized to operate, as part of their sewer utilities, programs or facilities currently authorized by other statutes for storm water, flood control, pollution prevention, drainage services, aquifer protection, lake management districts, diking districts, and shellfish protection districts. Counties may not impose overlapping rates or charges for the same programs or services.

The Department of Health is directed to convene a work group to make recommendations to the Legislature on the development of a certification program for persons who pump, install, design, perform maintenance, inspect, or regulate on-site septic systems. Members of the work group are to be appointed by the Governor to represent persons involved with on-site system construction and maintenance, and relevant state and local agencies. The work group must

report its findings and recommendations to the House Agriculture and Ecology Committee and Senate Agriculture and Environment Committee by January 1, 1998.