

# House Bill Analysis

## HB 2929

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February  
4, 2000

### **BACKGROUND:**

In 1999 the Legislature enacted 2SSB 5821 to require the licensing of on-site wastewater designers and the certification of inspectors of these on-site systems. A section of this legislation required the Director of the Department of Licensing to convene a work group to study the financial assurance of on-site wastewater system practitioners through bonding, insurance, risk pools, or similar methods. The group submitted its report and recommendations to the Legislature on December 1, 1999. Some of the recommendations included the development of a model program that describes the responsibilities of designers, installers, and homeowners with regards to on-site sewage disposal systems; and the development of a state-wide system of risk assessment data for on-site sewage disposal systems.

Failing on-site sewage disposal systems have been identified as a major concern for pollution. There is no current requirement for portals to be installed in a drain field, sand filter, or mound when these are dug open for inspection, to ensure that subsequent monitoring and inspections are easier. The definition of a failed- on-site sewage disposal system does not include a system that has become saturated, as exhibited by a pumped septic tank filling with backflow from the drain field, sand filter, or mound. Situations have occurred where an on-site sewage disposal professional has intentionally discharged effluent onto the ground or into the water, and the local board of health has not suspended the professional's license. It is unclear under current statute whether a report from an on-site sewage disposal system professional indicating that a system has failed, constitutes probable cause for an administrative search warrant if access to the property for an inspection of the system is denied.

### **SUMMARY:**

The Department of Health is required to develop a model program that describes the authorities, roles, and responsibilities of designers and installers of on-site sewage disposal systems, and of homeowners. The model program will be used in the future development of a cost-effective recovery system for consumers of on-site sewage disposal systems. The department must involve local health jurisdictions, owners of on-site sewage disposal systems, designers of on-site sewage disposal systems, and builders in the development of the model program. The department must report its recommendations and model to the Office of Financial Management and the appropriate legislative committees by July 1, 2001.

The Department of Health is directed to develop recommendations for establishing a state-wide system of risk assessment data for on-site sewage disposal systems. The department must consult with local health jurisdictions in developing the recommendations. The recommendations must address how local governments will maintain and transmit information to the department related to on-site sewage disposal systems. Local boards of health are not required to collect information concerning why on-site sewage disposal systems failed prior to the development of the system.

Information that must be considered in developing recommendations for the state-wide system of risk assessment data include the number and types of on-site sewage disposal systems, the frequency of repair by geographic region, factors leading to repair by general category, and funding for the state and local governments to develop and maintain the data system. The recommendations must be submitted to the Office of Financial Management and the appropriate legislative committees by January 1, 2001.

If a local health officer requires a drain field, sand filter, or mound portion of an on-site sewage disposal system to be dug open and examined, the local health officer must require the installation of an inspection portal or portals to monitor the drain field, sand filter, or mound. An on-site sewage disposal system installed after the effective date of this legislation must contain an inspection portal or portals in any drain field sand filter, or mound; and must be equipped with watertight risers in any septic tank openings requiring maintenance.

The statutory definition of a failure— of an on-site sewage disposal system is amended to include a drain field, sand filter, or mound that has become saturated so that it is unable to absorb wastewater. Saturation may be exhibited by a tank filling from the backflow of a drain field, sand filter, or mound after the tank has been pumped. An on-site sewage disposal system that is temporarily inoperable due to the occurrence of a flood is not saturated— within the meaning of the definition.

If a local health officer determines that an on-site sewage disposal system professional has intentionally discharged effluent onto the ground, or into surface or ground water, or has installed a bypass to an on-site sewage disposal system that results in such a discharge, the local board of health must suspend the professional's license for a minimum of thirty days. The penalty does not apply when the discharge has been authorized by the local health officer as the only realistic method of final disposal of treated effluent.

If a local health officer receives a report that an on-site disposal system has failed from the pumper of an on-site sewage disposal system, a maintenance specialist, or another on-site sewage disposal system professional, then the local health officer, environmental health director, or equivalent officer may apply for an administrative search warrant to inspect the system if the person occupying the property refuses access to the property. The report on

the failed system constitutes probable cause for the issuance of the warrant.

Appropriation:       None

Fiscal Note:         Requested

Effective Date:       Ninety days after adjournment of regular session