

# SENATE BILL REPORT

## E2SHB 2929

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As Reported By Senate Committee On:  
Environmental Quality & Water Resources, February 25, 2000

**Title:** An act relating to on-site sewage disposal systems.

**Brief Description:** Modifying requirements concerning on-site sewage disposal systems.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives McDonald and Linville).

**Brief History:**

**Committee Activity:** Environmental Quality & Water Resources: 2/22/2000, 2/25/2000 [DPA-WM].

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### SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Jacobsen, McAuliffe, Morton and Swecker.

**Staff:** Richard Ramsey (786-7412)

**Background:** In 1999, the Legislature required 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.

**Summary of Amended Bill:** The Department of Health must develop: (1) 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 is used in the future development of a cost-effective performance-based recovery system for consumers of on-site sewage disposal systems; and (2) recommendations for establishing a statewide system of risk assessment data for on-site sewage disposal systems, and how this information is used by local health jurisdictions for siting, design, and inspection protocols.

The department must consult with local health jurisdictions in developing the recommendations. The Department of Health's recommendations must be submitted to the Office of Financial Management and the appropriate legislative committees by January 1, 2001.

The Legislature recommends the Board of Health require by rule or on-site operations and maintenance guidelines that on-site sewage systems include inspection portals.

The statutory definition of a "failure" of an on-site sewage disposal system is expanded to include a drain field, sand filter, or mound that has become saturated so that it is unable to fully absorb wastewater. The definition of failure does not include an on-site sewage disposal system that is temporarily saturated due to the occurrence of a flooded stream or river or that is temporarily frozen during winter.

If a local health officer determines that an on-site sewage disposal system professional other than a designer 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 30 days. If a local health officer determines that a designer has caused such a discharge, the local health officer must report it to the Board of Registration for Professional Engineers and Land Surveyors. The board must suspend the designer's license or practice permit pursuant to an adjudicative proceeding. 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.

**Amended Bill Compared to Second Substitute Bill:** The amended bill excludes from the definition of a failing on-site sewage system a system that is temporarily frozen during winter. The null and void clause is deleted. The requirement that inspection portals be installed in all on-site systems is deleted and the Legislature recommends the Board of Health include this requirement in on-site sewage systems rules or on-site operations and maintenance guidelines.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** At present there's no recourse for homeowners whose on-site systems fail. This is the last link of a long chain relating to on-site wastewater treatment. One of the largest contributions to pollution in Puget Sound is fecal coliform.

**Testimony Against:** None.

**Testified:** PRO: Representative Joyce McDonald, prime sponsor; Bill White, Department of Health; Don Miles, WA Assoc. of Local Health Officers; John Dohrmann, Puget Sound Water Quality Action Team; Willy O'Neil, Associated General Contractors; Ron Shultz, National Audubon Society.