
Environment Committee

HB 1503

Brief Description: Preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners.

Sponsors: Representatives Short, Taylor, Van Werven, Buys, Haler, Kraft and Hargrove.

Brief Summary of Bill

- Provides that Growth Management Act does not impose regulations on the operations, permitting, maintenance, or inspection of on-site sewage systems (OSS).
- Specifies that OSS laws do not require local health jurisdictions to mandate that periodic OSS inspections be conducted by professionals.

Hearing Date: 1/30/17

Staff: Jacob Lipson (786-7196).

Background:

Septic Systems Permitting.

The State Board of Health (BOH) adopts rules addressing the design, construction, installation, operation, and maintenance of on-site sewage systems (OSS), while local health jurisdictions (LHJs) in each county administer and enforce those OSS regulations alongside any additional local requirements.

Owners of an OSS are generally responsible for maintaining the OSS, including associated repair and upkeep costs. Once OSS systems have been installed, the systems must be inspected at least once every three years if the system has a septic tank and relies on a gravity-powered drain field, or at least once per year for other types of OSS, unless a LHJ requires more frequent inspections. Under BOH rules, LHJs may require OSS operation permits, and may require owners to secure and renew contracts for periodic maintenance.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Twelve counties in Washington are located within the Puget Sound basin. Within the basin, there are an estimated 600,000 OSS. Beginning in July 2007, the LHJs in the 12 counties bordering the Puget Sound basin were required to develop an OSS management plan. Each LHJ was required to have its OSS management plan approved by the Department of Health (DOH). The OSS plans in the 12 counties within the Puget Sound basin are required to include certain components that are not required of OSS in other counties, including proposing marine recovery areas where OSS are a significant contributing factor to certain water quality and aquaculture concerns.

Growth Management Act Comprehensive Plans.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally-adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

Each comprehensive plan adopted by a county or city must include seven mandatory elements consisting of a plan, scheme, or design. Two of the seven mandatory elements that must be included in comprehensive plans contain provisions addressing the protection of aspects of water quality: The land use element and the rural element. Specifically, the land use element must provide for the protection of the quality and quantity of groundwater use for public water supplies, and the rural element must include measures that protect the rural character of an area by protecting surface and groundwater resources.

Summary of Bill:

The Growth Management Act (GMA), including the GMA's requirements to protect water quality associated with the land use and rural elements of comprehensive plans, does not govern septic system operational requirements. Protecting surface and groundwater quality or quantity under the GMA does not impose obligations that are not required or authorized under statutes addressing OSS operations overseen by local health jurisdictions (LHJs).

LHJs are not required to mandate that OSS inspections be conducted by a professional inspector. Self-inspection is not precluded for purposes of complying with GMA requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.