
ENGROSSED HOUSE BILL 1476

State of Washington 65th Legislature 2017 Regular Session

By Representatives Peterson, Buys, Van Werven, and Short

Read first time 01/20/17. Referred to Committee on Environment.

1 AN ACT Relating to ensuring the ongoing viability of safe,
2 reliable, on-site sewage systems in marine counties by identifying
3 best management practices with accountability in on-site program
4 management plans without creating or newly authorizing a fee or other
5 program funding source; amending RCW 70.118A.030, 70.118A.070,
6 70.118A.020, 70.118A.080, 70.118A.050, and 70.118A.060; and creating
7 new sections.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that there are
10 an estimated six hundred thousand on-site sewage systems in the Puget
11 Sound area alone. These systems are a critical part of the state's
12 wastewater treatment infrastructure.

13 (2) The legislature further finds that on-site sewage systems are
14 an effective method of treating wastewater, but need appropriate
15 operation and maintenance to adequately treat wastewater and operate
16 in a safe manner. Unmanaged and failing systems may contribute to the
17 pollution of Puget Sound and other regional waters and can
18 potentially pose a threat to human health and the personal safety of
19 families and the public relying on the systems for sewage treatment.

20 (3)(a) The legislature further finds that local health officers
21 in the twelve counties bordering Puget Sound were asked to submit on-

1 site sewage system program plans to the state department of health in
2 2007. These plans were focused on the identification of failing
3 systems that threaten public health in defined areas, but did not
4 address certain public safety risks that can result when system
5 infrastructure was inadequately designed, approved, or maintained
6 under previous local programs.

7 (b) In the ten years since local program plans were first
8 developed to meet minimum state standards, there has not been a
9 process in place to ensure that on-site program plans remain accurate
10 and up-to-date. By establishing a process to ensure that local plans
11 remain current, and by supplementing program focus on public health
12 with attention to public safety outcomes, the local health officers
13 who rely on the information contained in local plans will be better
14 able to confirm that on-site systems are properly maintained and that
15 failing or unsafe systems are identified and repaired.

16 **Sec. 2.** RCW 70.118A.030 and 2006 c 18 s 3 are each amended to
17 read as follows:

18 (~~By July 1, 2007,~~) (1) The local health officers of health
19 jurisdictions in the twelve counties bordering Puget Sound shall
20 develop a written on-site program management plan to provide guidance
21 to the local health jurisdiction.

22 (2) Local health officers must update on-site program management
23 plans and submit the updated plans to the department for review and
24 approval under RCW 70.118A.070 at least once every five years to
25 implement:

26 (a) Local priorities and program requirements; and

27 (b) State standards identified in this chapter and any rules
28 adopted by the board.

29 (3) The on-site program management plans of local health
30 jurisdictions required under this section must include:

31 (a) A procedure for tracking the failure rates of the different
32 on-site sewage disposal system technologies and designs being used in
33 a county and the reporting of that information to the department on a
34 predictable schedule;

35 (b) A description of steps to be taken by the local health
36 jurisdiction during the next five years that will result in full
37 implementation of the program, including the identification and
38 inspection of previously unknown on-site systems, and the inspection
39 of systems included in the jurisdiction's inventory of known on-site

1 systems. This description of improvement steps to achieve full
2 program implementation within five years must include a plan to:

3 (i) Each year identify and inventory at least twenty percent of
4 the estimated total of on-site system infrastructure in the
5 jurisdiction that is not currently contained in the jurisdiction's
6 inventory; and

7 (ii) Ensure the inspection of on-site systems as frequently as
8 required under rules adopted by the board. Rules adopted by the board
9 for the counties addressed by this section must require that an
10 inspection of an on-site sewage disposal system that is carried out
11 by a professional inspector or public agency must be coordinated with
12 and authorized by the owner of the system prior to accessing the
13 property for purposes of carrying out the inspection of the system;
14 and

15 (c) A financial assurance component that demonstrates that the
16 local health jurisdiction has sufficient funding in the current and
17 subsequent fiscal year budgets to meet estimated costs associated
18 with implementing the program for the two-year period immediately
19 following the filing date of the plan. The financial assurance
20 component must include details regarding sources of funds used by a
21 local health jurisdiction to implement the program, as well as a
22 detailed summary of program expenditures by activity.

23 (4) A local health officer must submit a report to the department
24 by November 1st of each even-numbered year that summarizes the
25 progress made by the jurisdiction towards achieving the program
26 implementation milestones described in subsection (3)(b) of this
27 section.

28 **Sec. 3.** RCW 70.118A.070 and 2006 c 18 s 7 are each amended to
29 read as follows:

30 (1)(a) The on-site program management plans of local health
31 jurisdictions required under RCW 70.118A.030 must be submitted to the
32 department ((by July 1, 2007,)) and be reviewed for approval to
33 determine if they ((contain all necessary elements. The department
34 shall provide in writing to the local board of health its review of
35 the completeness of the plan))):

36 (i) Are adequate to protect public health and safety by
37 preventing injury and death;

38 (ii) Include procedures for tracking failure rates and program
39 implementation progress as required in RCW 70.118A.030; and

1 (iii) Fulfill the minimum on-site program management plan
2 requirements and standards established by the board by rule.

3 (b) The board may adopt additional criteria by rule for approving
4 plans. However, any additional criteria may not take effect until one
5 year after it is adopted.

6 (2) In reviewing the on-site (~~(strategy component of the)~~)
7 program management plan, the department shall ensure that all
8 required elements, including designation of any marine recovery area
9 and the preservation of public health and safety by preventing injury
10 or death resulting from the improper operation and maintenance of
11 systems, have been addressed.

12 (3) Within thirty days of receiving an on-site (~~(strategy)~~)
13 program management plan, the department shall either approve the on-
14 site (~~(strategy)~~) program management plan or provide in writing the
15 reasons for not approving the (~~(strategy)~~) on-site program management
16 plan and recommend changes. If the department does not approve the
17 on-site (~~(strategy)~~) program management plan, the local health
18 officer must amend and resubmit the on-site program management plan
19 to the department for approval.

20 (4) Upon receipt of department approval or after thirty days
21 without notification, whichever comes first, the local health officer
22 shall implement the on-site (~~(strategy)~~) program management plan.

23 (5) If the department denies approval of an on-site (~~(strategy)~~)
24 program management plan, the local health officer may appeal the
25 denial to the board. The board must make a final determination
26 concerning the denial.

27 (6) The department shall assist local health jurisdictions in:

28 (a) Developing written on-site program management plans required
29 by RCW 70.118A.030;

30 (b) Identifying reasonable methods for finding unknown systems;
31 (~~and~~)

32 (c) Developing or enhancing electronic data systems that will
33 enable each local health jurisdiction to actively manage all on-site
34 sewage disposal systems within their jurisdictions, with priority
35 given to those on-site sewage disposal systems that are located in or
36 which could affect designated marine recovery areas; and

37 (d) Identifying best practices to be used by septic owners,
38 operators, and installers for ensuring the safe operation and
39 maintenance of on-site sewage disposal systems, including the design
40 and maintenance of on-site sewage disposal system risers and lids.

1 **Sec. 4.** RCW 70.118A.020 and 2006 c 18 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Board" means the state board of health.

6 (2) "Department" means the department of health.

7 (3)~~(a)~~ "Failing" means a condition of an existing on-site sewage
8 disposal system or component that threatens the public health by:

9 (i) Inadequately treating sewage~~((~~τ~~))~~; or ~~((~~by~~))~~

10 (ii) Creating a potential for direct or indirect contact between
11 sewage and the public.

12 (b) Examples of a failing on-site sewage disposal system include:

13 ~~((~~a~~))~~ (i) Sewage on the surface of the ground;

14 ~~((~~b~~))~~ (ii) Sewage backing up into a structure caused by slow
15 soil absorption of septic tank effluent;

16 ~~((~~c~~))~~ (iii) Sewage leaking from a sewage tank or collection
17 system;

18 ~~((~~d~~))~~ (iv) Cesspools or seepage pits where evidence of
19 groundwater or surface water quality degradation exists;

20 ~~((~~e~~))~~ (v) Inadequately treated effluent contaminating
21 groundwater or surface water; ~~((~~or~~))~~ and

22 ~~((~~f~~))~~ (vi) Noncompliance with standards stipulated on the
23 permit.

24 (4) "Local health officer" or "local health jurisdiction" means
25 the local health officers and local health jurisdictions in the
26 following counties bordering Puget Sound: Clallam, Island, Kitsap,
27 Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-
28 Pierce, Thurston, and Whatcom.

29 (5) "Marine recovery area" means an area of definite boundaries
30 where the local health officer, or the department in consultation
31 with the health officer, determines that additional requirements for
32 existing on-site sewage disposal systems may be necessary to reduce
33 potential failing systems or minimize negative impacts of on-site
34 sewage disposal systems.

35 (6) "Marine recovery area on-site strategy" or "on-site strategy"
36 means a local health jurisdiction's on-site sewage disposal system
37 strategy required under RCW 70.118A.050. This strategy is a component
38 of the on-site program management plan required under RCW
39 70.118A.030.

1 (7) "On-site sewage disposal system" or "on-site system" means an
2 integrated system of components, located on or nearby the property it
3 serves, that conveys, stores, treats, or provides subsurface soil
4 treatment and dispersal of sewage. It consists of a collection
5 system, a treatment component or treatment sequence, and a soil
6 dispersal component. An on-site sewage disposal system also refers to
7 a holding tank sewage system or other system that does not have a
8 soil dispersal component. For purposes of this chapter, the term "on-
9 site sewage disposal system" does not include any system regulated by
10 a water quality discharge permit issued under chapter 90.48 RCW.

11 (8) "Unknown system" means an on-site sewage disposal system that
12 was installed without the knowledge or approval of the local health
13 jurisdiction, including those that were installed before such
14 approval was required.

15 (9) "Unsafe system" means a condition of an existing on-site
16 sewage disposal system that threatens public safety by creating a
17 condition where a person could be injured or killed because a
18 component or part of an on-site sewage disposal system is
19 malfunctioning or missing. Examples of an unsafe system include, but
20 are not limited to, electrical junction box covers, lids, or risers
21 that are missing, damaged, unsecured, or malfunctioning.

22 **Sec. 5.** RCW 70.118A.080 and 2006 c 18 s 8 are each amended to
23 read as follows:

24 (1) The department shall enter into a contract with each local
25 health jurisdiction subject to the requirements of this chapter to
26 implement plans developed under this chapter, ~~((and))~~ to develop or
27 enhance electronic data systems required by this chapter, and to
28 enhance the public safety by preventing injury or death resulting
29 from improper operation and maintenance of on-site sewage disposal
30 systems. The contract must include state funding assistance to the
31 local health jurisdiction from funds appropriated to the department
32 for this purpose.

33 (2) The contract must require, at a minimum, that within a marine
34 recovery area, the local health jurisdiction:

35 (a) Show progressive improvement in finding failing systems;

36 (b) Show progressive improvement in working with the owners of
37 on-site sewage disposal ~~((system owners))~~ systems that qualify as
38 failing systems, unsafe systems, or both to make needed system
39 repairs;

1 (c) Is actively taking steps to find previously unknown systems
2 and ensuring that they are inspected as required and repaired if
3 necessary;

4 (d) Show progressive improvement in the percentage of on-site
5 sewage disposal systems that are included in an electronic data
6 system; and

7 (e) Of those on-site sewage disposal systems in the electronic
8 data system, show progressive improvement in the percentage that have
9 had required inspections.

10 (3) The contract must also include provisions for state
11 assistance in updating the plan. ~~((Beginning July 1, 2012,))~~ The
12 contract may adopt revised compliance dates, including those in RCW
13 70.118A.050, where the local health jurisdiction has demonstrated
14 substantial progress in updating the on-site strategy.

15 ~~((4) The department shall convene a work group for the purpose
16 of making recommendations to the appropriate committees of the
17 legislature for the development of certification or licensing of
18 maintenance specialists. The work group shall make its recommendation
19 with consideration given to the 1998 report to the legislature
20 entitled "On-Site Wastewater Certification Work Group" as it pertains
21 to maintenance specialists. The work group may give priority to
22 appropriate levels of certification or licensure of maintenance
23 specialists who work in the Puget Sound basin.))~~

24 **Sec. 6.** RCW 70.118A.050 and 2006 c 18 s 5 are each amended to
25 read as follows:

26 (1) The local health officer of a local health jurisdiction where
27 a marine recovery area has been proposed under RCW 70.118A.040 shall
28 develop and approve a marine recovery area on-site strategy that
29 includes designation of marine recovery areas to guide the local
30 health jurisdiction in developing and managing all existing on-site
31 sewage disposal systems within marine recovery areas within its
32 jurisdiction. The on-site strategy must be a component of the program
33 management plan required under RCW 70.118A.030. The department may
34 grant an extension of twelve months where a local health jurisdiction
35 has demonstrated substantial progress toward completing its on-site
36 strategy.

37 (2)(a) An on-site strategy for a marine recovery area must
38 specify how the local health jurisdiction will ~~((by July 1, 2012, and
39 thereafter,))~~ find:

1 ~~((a))~~ (i) Existing failing systems and ensure that system
2 owners make necessary repairs; and

3 ~~((b))~~ (ii) Unknown systems and ensure that they are inspected
4 as required to ensure that they are functioning properly, and
5 repaired, if necessary.

6 (b) Any on-site strategies submitted as a component of an updated
7 program management plan required under RCW 70.118A.030 must include
8 provisions for identifying and correcting unsafe systems
9 simultaneously with efforts to identify and correct failing systems.

10 **Sec. 7.** RCW 70.118A.060 and 2006 c 18 s 6 are each amended to
11 read as follows:

12 (1) In a marine recovery area, each local health officer shall:

13 ~~((1))~~ (a) Require that on-site sewage disposal system
14 maintenance specialists, septic tank pumpers, or others performing
15 on-site sewage disposal system inspections submit reports or
16 inspection results to the local health jurisdiction regarding any
17 failing system or unsafe system; and

18 ~~((2))~~ (b) Develop and maintain an electronic data system of all
19 on-site sewage disposal systems within a marine recovery area to
20 enable the local health jurisdiction to actively manage on-site
21 sewage disposal systems.

22 (2) In assisting development of electronic data systems under
23 this section, the department shall work with local health
24 jurisdictions with marine recovery areas and the on-site sewage
25 disposal system industry to develop common forms and protocols to
26 facilitate sharing of data. A marine recovery area on-site sewage
27 disposal electronic data system must be compatible with all on-site
28 sewage disposal electronic data systems used throughout a local
29 health jurisdiction.

30 NEW SECTION. **Sec. 8.** Nothing in this act requires the adoption
31 of new or updated rules by the state board of health regarding septic
32 inspection or design criteria or standards or other rules addressing
33 the septic plans or programs of local health jurisdictions.

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