

SENATE BILL REPORT

ESB 5998

As Passed Senate, March 15, 1995

Title: An act relating to local government waivers from specific requirements of on-site sewage system rules adopted by the board of health.

Brief Description: Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health.

Sponsors: Senators Sheldon, Owen, Oke, Fraser, Hochstatter and Palmer.

Brief History:

Committee Activity: Ecology & Parks: 3/1/95 [DP].
Passed Senate, 3/15/95, 49-0.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Cathy Baker (786-7708)

Background: The State Board of Health is authorized to adopt rules and standards governing the design, construction, and operation of sewage systems in order to protect public health. By statute, local boards of health are required to enforce rules adopted by the State Board of Health.

In 1974, the State Board of Health first adopted regulations pertaining to the design, installation and management of on-site sewage systems. In 1994, the State Board of Health adopted revisions to the on-site regulations. The updated regulations became effective January 1, 1995.

Both the earlier regulations and the updated regulations authorize local health officers to grant waivers from certain state requirements that apply to on-site systems, with concurrence of the State Department of Health. It is suggested that the waiver provisions contained in the regulations should be placed in statute.

Summary of Bill: Local health officers are authorized to grant waivers from specific requirements of the State Board of Health on-site septic systems rules. On-site systems with flows under 3500 gallons per day are eligible for such waivers.

The waivers must be evaluated by the local health officer on a site-by-site basis and must be consistent with the standards in, and intent of, the State Board of Health rules.

Local health departments are required to submit quarterly reports to the State Department of Health (DOH) regarding any waivers approved or denied.

Based on review of the quarterly reports, if DOH finds that the waivers are not consistent with the standards in the state Board of Health rules, it must provide technical assistance to the local health officer to correct the inconsistency. If upon further review of the quarterly reports, the inconsistency is not corrected, DOH may suspend the authority of the local health officer to grant waivers.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill addresses the concerns that some people have had about the new on-site regulations. The waiver provisions in the regulations are important because of special soil conditions in some parts of the state. This bill clarifies the waiver provisions and places them in statute.

Testimony Against: None.

Testified: Senator Betti Sheldon, prime sponsor; Karen Van Dusen, Department of Health.

House Amendment(s): Language is added to clarify that the state Department of Health may suspend a local health officer's authority to grant waivers only until such time as the inconsistencies between the waivers and the state standards are corrected.