**1715-S2 AMH PETE H2285.2 - NOT FOR FLOOR USE**

**2SHB 1715** - H AMD **251**

By Representative Peterson

Strike everything after the enacting clause and insert the following:

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

(2) On-site sewage systems are an effective method of treating wastewater, but need appropriate operation and maintenance to adequately treat wastewater. Failing systems contribute to pollution of Puget Sound and other regional waters and can pose a threat to human health.

(3) The Puget Sound septic finance advisory committee reports that on-site sewage management programs need added emphasis on minimum program requirements to help ensure more consistent implementation across the region.

(4) An on-site sewage system charge should serve as the sustainable revenue source for the region's on-site sewage management plans and should be established in each county to fit efficiently with other existing revenue sources to avoid duplicate charges for on-site sewage services.

(5) Because homeowners bear the cost of repairing and replacing their systems when they break down, an accessible, unified, self-sustaining low-interest loan program to help owners address failing systems would benefit the entire region.

NEW SECTION. **Sec.**  A new section is added to chapter 90.71 RCW to read as follows:

(1)(a) The partnership must adopt, consistent with this section, recommended elements for local governments to consider when developing or updating on-site program management plans under RCW 70.118A.030 for on-site sewage systems. The recommended elements must be tailored to ensure compliance with the action agenda and enhance the recovery of Puget Sound and must include measurable outcomes for counties to achieve, such as:

(i) Inventorying all on-site septic systems in marine recovery areas, as that term is defined in RCW 70.118A.020;

(ii) Being current with inspections for at least ninety-five percent of on-site septic systems in a given jurisdiction; and

(iii) Compliance with best practices, common performance standards, and recommended approaches to improve core functions of local operation and maintenance programs developed by the department of health.

(b) In developing proposals for recommended elements under this section, the partnership must rely on the expertise and staff of the department of health. The department of health must, pursuant to section 3 of this act and in consultation with the board, generate proposals for recommended elements that satisfy the intent of this section. Once proposals are generated by the department of health, the council is responsible for evaluating the proposals in the context of Puget Sound recovery and adopting the final recommended elements.

(2) The recommended elements developed by the department of health and adopted by the partnership under this section must be in addition to the minimum on-site program management plan requirements identified in RCW 70.118A.070.

(3) The recommended elements developed by the department of health and adopted by the partnership under this section may be developed as uniform elements for the entire Puget Sound basin or be tailored for individual counties or for the groupings of counties within each action area identified in RCW 90.71.260.

(4) A county is not required to adopt or implement the recommended elements adopted by the partnership under this section. However, any county that does adopt and implement the recommended elements must be designated a Puget Sound partner and is entitled to the benefits of being a Puget Sound partner.

(5) The department of health and the partnership, in developing and adopting recommended elements under this section, may not include a requirement that a county collect an annual charge or rate on individual on-site sewage systems as authorized under RCW 70.05.190. However, a county's authority to do so may be considered when developing the recommended elements.

(6) The partnership may not change the recommended elements adopted under this section more than once every five years.

NEW SECTION. **Sec.**  A new section is added to chapter 70.118A RCW to read as follows:

The department must provide expertise to the Puget Sound partnership and, when requested and consistent with section 2 of this act, develop proposals for optional recommended elements for local governments to consider when developing or updating on-site program management plans under RCW 70.118A.030 that are in addition to the minimum on-site program management plan requirements identified in RCW 70.118A.070.

**Sec.**  RCW 70.05.190 and 2012 c 175 s 1 are each amended to read as follows:

(1) ((~~A~~)) Except as provided in this section, the local board of health in the twelve counties bordering Puget Sound may collect an annual charge or a rate for each on-site sewage system located in the basin of the Puget Sound, as that term is defined in RCW 90.71.010, for the purpose of implementing ((~~an~~)) the on-site sewage program management plan ((~~may:~~

~~(a) Impose and collect reasonable rates or charges in an amount sufficient to pay for the actual costs of administration and operation of the on-site sewage program management plan; and~~

~~(b)~~)) required under chapter 70.118A RCW.

(2) A local board of health may collect the charge or rate imposed under this section in areas of a county located outside the Puget Sound basin if a portion of the county is within the Puget Sound basin.

(3) A local board of health may contract with the county treasurer to collect the ((~~rates or charges imposed~~)) charge or rate authorized under this section in accordance with RCW 84.56.035.

((~~(2)~~)) (4) A local board of health may not collect the charge or rate authorized under this section from a person who is exempt from paying property taxes under RCW 84.36.381.

(5) In executing the provisions in subsection (1) of this section, a local board of health does not have the authority to impose a lien on real property for failure to pay ((~~rates and charges imposed~~)) the charge and rates authorized by this section.

((~~(3) Nothing in this section provides a local board of health with the ability to impose and collect rates and charges related to the implementation of an on-site sewage program management plan beyond those powers currently designated under RCW 70.05.060(7).~~))

(6) County legislative authorities may use multiple revenue sources to finance activities and services that address overlapping nonpoint pollution needs, such as water quality monitoring or pollution identification and correction.

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

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

(2) Local health officers must update on-site program management plans and submit the plans to the department for review under RCW 70.118A.070 at least once every five years to implement local priorities and program requirements and standards identified in this chapter and chapter 246-272A WAC.

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

(1) The on-site program management plans of local health jurisdictions required under RCW 70.118A.030 must be submitted to the department ((~~by July 1, 2007,~~)) and be reviewed to determine if they ((~~contain all necessary elements. The department shall provide in writing to the local board of health its review of the completeness of the plan~~)) fulfill the minimum on-site program management plan requirements and standards established by the board by rule. The board may adopt additional criteria by rule for approving on-site program management plans((~~.~~)); however, any additional criteria may not take effect until one year after it is adopted.

(2) In reviewing the on-site ((~~strategy component of the~~)) program management plan, the department shall ensure that all required elements, including designation of any marine recovery area, have been addressed.

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 70.118A RCW to read as follows:

To assist homeowners with the repair and replacement of on-site sewage systems, the department and counties may consult with the department of ecology to capitalize and administer a sustainable unified low-interest loan program through the department of ecology's water quality financial assistance program.

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

(1) The department shall enter into a contract with each local health jurisdiction subject to the requirements of this chapter to implement plans developed under this chapter, and to develop or enhance electronic data systems required by this chapter. The contract must include state funding assistance to the local health jurisdiction from funds appropriated to the department for this purpose.

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

(a) Show progressive improvement in finding failing systems;

(b) Show progressive improvement in working with on-site sewage disposal system owners to make needed system repairs;

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

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

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

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

(4) The department ((~~shall convene a work group for the purpose of making recommendations to the appropriate committees of the legislature for the development of certification or licensing of maintenance specialists. The work group shall make its recommendation with consideration given to the 1998 report to the legislature entitled "On-Site Wastewater Certification Work Group" as it pertains to maintenance specialists. The work group may give priority to appropriate levels of certification or licensure of maintenance specialists who work in the Puget Sound basin~~)) must require, as part of the contract, updates on the progress of identifying failing systems as provided in subsection (2)(a) of this section and make available to the public, on a regular basis, Puget Sound basin-wide progress in identifying failing systems.

(5) The department must report any instances of a county failing to fulfill its obligations under a contract entered into under this section to the Puget Sound partnership for consideration under RCW 90.71.350.

**Sec.**  RCW 90.71.350 and 2007 c 341 s 17 are each amended to read as follows:

(1) The council is accountable for achieving the action agenda. The legislature intends that all governmental entities within Puget Sound will exercise their existing authorities to implement the applicable provisions of the action agenda.

(2) The partnership shall involve the public and implementing entities to develop standards and processes by which the partnership will determine whether implementing entities are taking actions consistent with the action agenda and achieving the outcomes identified in the action agenda. Among these measures, the council may hold management conferences with implementing entities to review and assess performance in undertaking implementation strategies with a particular focus on compliance with and enforcement of existing laws. Where the council identifies an inconsistency with the action agenda, the council shall offer support and assistance to the entity with the objective of remedying the inconsistency. The results of the conferences shall be included in the state of the Sound report required under RCW 90.71.370.

(3)(a) In the event the council determines that an entity is in substantial noncompliance with the action agenda, it shall provide notice of this finding and supporting information to the entity. The council or executive director shall thereafter meet and confer with the entity to discuss the finding and, if appropriate, develop a corrective action plan.

(b) If no agreement is reached, the council shall hold a public meeting to present its findings and the proposed corrective action plan. If the entity is a state agency, the meeting shall include representatives of the governor's office and office of financial management. If the entity is a local government, the meeting shall be held in the jurisdiction and electoral representatives from the jurisdictions shall be invited to attend.

(c) If, after ((~~this~~)) the process outlined in this section, the council finds that substantial noncompliance continues, the council shall issue written findings and document its conclusions. The council may recommend to the governor that the entity be ineligible for state financial assistance until the substantial noncompliance is remedied.

(d) Any county that is not fulfilling the minimum requirements of chapter 70.118A RCW, including compliance with the minimum contract requirements provided in RCW 70.118A.080, must be found to be in substantial noncompliance under this section.

(e) All instances of noncompliance shall be included in the state of the Sound report required under RCW 90.71.370.

(4) The council shall provide a forum for addressing and resolving problems, conflicts, or a substantial lack of progress in a specific area that it has identified in the implementation of the action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as, but not limited to, technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of the action agenda, the council shall provide its analysis of the conflict and recommendations resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(5) When the council or an implementing entity identifies a statute, rule, ordinance, or policy that conflicts with or is an impediment to the implementation of the action agenda, or identifies a deficiency in existing statutory authority to accomplish an element of the action agenda, the council shall review the matter with the implementing entities involved. The council shall evaluate the merits of the conflict, impediment, or deficiency, and make recommendations to the legislature, governor, agency, local government, or other appropriate entity for addressing and resolving the conflict.

(6) The council may make recommendations to the governor and appropriate committees of the senate and house of representatives for local or state administrative or legislative actions to address barriers it has identified to successfully implementing the action agenda.

**Sec.**  RCW 90.71.340 and 2007 c 341 s 16 are each amended to read as follows:

(1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

(a) Ensuring that projects and activities in conflict with the action agenda are not funded;

(b) Aligning environmental investments with strategic priorities of the action agenda; and

(c) Using state grant and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso or specifically referenced in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provisoed or specifically referenced Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4)(a) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners.

(b) State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040. This process shall be developed on a timeline that takes into consideration state grant and loan funding cycles.

(c) In addition to any other process or criteria developed by the partnership for Puget Sound partner status, any county that develops and implements an on-site program management plan under RCW 70.118A.030 that includes the recommended elements identified under section 2 of this act must be considered a Puget Sound partner.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda.

**Sec.**  RCW 70.05.060 and 1991 c 3 s 308 are each amended to read as follows:

(1) Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

((~~(1)~~)) (a) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health;

((~~(2)~~)) (b) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

((~~(3)~~)) (c) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;

((~~(4)~~)) (d) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;

((~~(5)~~)) (e) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

((~~(6)~~)) (f) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; and

((~~(7)~~)) (2) Each local board of health may also establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health((~~: PROVIDED, That such~~)); however, other than fees established under RCW 70.05.190, the fees for services shall not exceed the actual cost of providing any such services.

NEW SECTION. **Sec.**  (1) The Puget Sound partnership must formally adopt the initial recommended elements for local governments to consider when developing or updating on-site program management plans, as required by section 2 of this act, by no later than March 31, 2016.

(2) All on-site program management plans must, consistent with RCW 70.118A.030, be initially updated by local health officers of health jurisdictions, as those terms are defined in RCW 70.118A.020, and submitted to the department of health for review and approval by July 1, 2016.

(3) This section expires July 1, 2017."

Correct the title.

EFFECT: Requires the Puget Sound Partnership to adopt, with the assistance of the Department of Health, recommended elements for local on-site septic management plans that are beyond the minimum requirements established by the Department of Health, designates counties that choose to adopt the minimum elements as Puget Sound Partners and qualifies them for the existing grant preferences given to Puget Sound Partners, clarifies that only counties in the Puget Sound Basin may assess any rate or charge for a septic system, requires the Department of Health to track and report success in identifying failing septic systems in the Puget Sound Basin, designates counties that fail to implement the minimum requirements for on-site septic systems as being in noncompliance with the Puget Sound Partnership's action agenda, makes technical and reorganization changes.