H-1953.1

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**SUBSTITUTE HOUSE BILL 1715**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Environment (originally sponsored by Representatives Peterson, Fitzgibbon, and S. Hunt; by request of Department of Health)

AN ACT Relating to protecting Puget Sound through funding and implementing local on-site sewage program management plans; amending RCW 70.05.190, 70.118A.030, and 70.118A.070; adding a new section to chapter 70.118A RCW; and creating a new section.

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

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 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 a dedicated, sustainable revenue source to carry out their on-site sewage management programs and to better engage with system owners to help ensure proper use and care. In addition, the 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) 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.

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

(1) ((~~A~~)) (a) Except as provided in this section, the local board of health in the twelve counties bordering Puget Sound shall collect a minimum charge of thirty dollars annually 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.

(b) Any local board of health that has adopted a charge applicable to on-site sewage systems for similar purposes prior to December 31, 2014, may, at its discretion, continue to charge on-site sewage systems an amount less than the minimum charge established under (a) of this subsection.

(2) The local board of health may collect the charge imposed under this section in areas of the county located outside the Puget Sound basin.

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

((~~(2)~~)) (4) A person exempt from paying property taxes under RCW 84.36.381 is also exempt from the on-site sewage program charge imposed under this section.

(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~~)) the charge imposed 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) The local board of health may not retroactively collect the on-site sewage charge imposed under this section from the date an on-site system is located and documented in a county's on-site sewage system inventory.

(7)(a) A local board of health may not collect the on-site sewage charge imposed under this section to finance on-site sewage plan services already paid for by other fees, rates, or charges.

(b) Any fee, rate, or charge existing on the effective date of this section, other than those fees described in subsection (1)(b) of this section, covering substantially the same on-site sewage services must be equitably reduced or eliminated to account for the established on-site sewage program under this section.

(c) 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 shall update on-site program management plans 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.

(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 established water quality financial assistance program.

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