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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)

READ FIRST TIME 02/20/15.

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

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

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

10 (2) On-site sewage systems need appropriate operation and  
11 maintenance to adequately treat wastewater. Failing systems  
12 contribute to pollution of Puget Sound and other regional waters and  
13 can pose a threat to human health.

14 (3) The Puget Sound septic finance advisory committee reports  
15 that on-site sewage management programs need a dedicated, sustainable  
16 revenue source to carry out their on-site sewage management programs  
17 and to better engage with system owners to help ensure proper use and  
18 care. In addition, the programs need added emphasis on minimum  
19 program requirements to help ensure more consistent implementation  
20 across the region.

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

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

10 **Sec. 2.** RCW 70.05.190 and 2012 c 175 s 1 are each amended to  
11 read as follows:

12 (1) ~~((A))~~ (a) Except as provided in this section, the local board  
13 of health in the twelve counties bordering Puget Sound shall collect  
14 a minimum charge of thirty dollars annually for each on-site sewage  
15 system located in the basin of the Puget Sound, as that term is  
16 defined in RCW 90.71.010, for the purpose of implementing ~~((an))~~ the  
17 on-site sewage program management plan ~~((may~~

18 ~~impose and collect reasonable rates or charges in an amount~~  
19 ~~sufficient to pay for the actual costs of administration and~~  
20 ~~operation of the on-site sewage program management plan; and~~

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

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

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

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

33 ~~((+2))~~ (4) A person exempt from paying property taxes under RCW  
34 84.36.381 is also exempt from the on-site sewage program charge  
35 imposed under this section.

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

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

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

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

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

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

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

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

27       (2) Local health officers shall update on-site program management  
28 plans at least once every five years to implement local priorities  
29 and program requirements and standards identified in this chapter and  
30 chapter 246-272A WAC.

31       **Sec. 4.** RCW 70.118A.070 and 2006 c 18 s 7 are each amended to  
32 read as follows:

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

1 requirements and standards established by the board by rule. The  
2 board may adopt additional criteria by rule for approving on-site  
3 program management plans.

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

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

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

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

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

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

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

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

34 NEW SECTION. Sec. 5. A new section is added to chapter 70.118A  
35 RCW to read as follows:

36 To assist homeowners with the repair and replacement of on-site  
37 sewage systems, the department and counties may consult with the  
38 department of ecology to capitalize and administer a sustainable

1 unified low-interest loan program through the department of ecology's  
2 established water quality financial assistance program.

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