
HOUSE BILL 1715

State of Washington

64th Legislature

2015 Regular Session

By Representatives Peterson, Fitzgibbon, and S. Hunt; by request of Department of Health

Read first time 01/27/15. Referred to Committee on Environment.

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)) The local board of health in the twelve counties
13 bordering Puget Sound shall collect a minimum charge of thirty
14 dollars annually for each on-site sewage system located in the Puget
15 Sound (as defined in RCW 90.71.010) basin for the purpose of
16 implementing ((an)) the on-site sewage program management plan ((may:

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

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

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

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

27 ~~((2))~~ (4) A person exempt from paying property taxes under RCW
28 84.36.381 is also exempt from the on-site sewage program charge
29 imposed under this section.

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

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

38 (6) The local board of health may not retroactively collect the
39 on-site sewage charge imposed under this section from the date an

1 on-site system is located and documented in a county's on-site sewage
2 system inventory.

3 (7) A local board of health may not collect the on-site sewage
4 charge imposed under this section to finance on-site sewage
5 management plan services already paid for by other fees, rates, or
6 charges. Any existing fee, rate, or charge covering substantially the
7 same on-site sewage services must be equitably reduced or eliminated
8 to account for this newly established on-site sewage program charge.
9 County legislative authorities may use multiple revenue sources to
10 finance activities and services that address overlapping nonpoint
11 pollution needs, such as water quality monitoring or pollution
12 identification and correction.

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

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

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

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

25 (1) The on-site program management plans of local health
26 jurisdictions required under RCW 70.118A.030 must be submitted to the
27 department ~~((by July 1, 2007,))~~ and be reviewed to determine if they
28 ~~((contain all necessary elements. The department shall provide in~~
29 ~~writing to the local board of health its review of the completeness~~
30 ~~of the plan))~~ fulfill the minimum on-site program management plan
31 requirements and standards established by the board by rule. The
32 board may adopt additional criteria by rule for approving on-site
33 program management plans.

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

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

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

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

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

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

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

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

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

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

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