

# FINAL BILL REPORT

## 3SHB 1458

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Synopsis as Enacted

**Brief Description:** Concerning the management of on-site sewage disposal systems in marine areas.

**Sponsors:** By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt, Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Upthegrove, Moeller and McDermott).

**House Committee on Natural Resources, Ecology & Parks**

**House Committee on Appropriations**

**Senate Committee on Water, Energy & Environment**

**Senate Committee on Ways & Means**

### **Background:**

The State Board of Health (Board) provides a forum for the development of public health policy in Washington. The Board has adopted rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, including on-site sewage systems (OSS). Permits are required for the installation, alteration, extension, or relocation of an OSS. Local boards of health issue OSS permits, enforce the standards, and may adopt more stringent local standards.

In October 2000, the Department of Health (DOH) convened the On-Site Wastewater Advisory Committee (Committee) to advise the DOH on policy matters relating to the Wastewater Management Program. The Committee developed 55 policy recommendations which were prioritized in three areas: operation and maintenance of OSS; rule development initiatives; and funding initiatives. A rule development committee was formed in February 2002 to assist the DOH to initiate the OSS rule revision process, and a final rule was adopted in July 2005.

The DOH Commercial Shellfish Licensing and Certification Program issues licenses to commercial shellfish operations and certifies their harvest sites. The commercial harvest of shellfish must be from a growing area that is classified as approved or conditionally approved according to provisions of the National Shellfish Sanitation Program Model Ordinance. The DOH Growing Area Classification Program assesses shellfish growing areas and classifies them as either approved, conditionally approved, restricted, or prohibited.

The Federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to eliminate pollutant discharges into navigable waters. The CWA sets effluent limitations for discharges of pollutants to navigable waters, and the Department of Ecology (DOE) is delegated federal

CWA authority by the United States Environmental Protection Agency (EPA) and also is the agency authorized by state law to implement state water quality programs. Section 303(d) of the Federal CWA requires states to prepare a list every two years of the specific water bodies or water body segments that do not meet the state water quality standards, also known as the 303(d) list.

**Summary:**

By July 1, 2007, local health officers in 12 counties bordering the Puget Sound must develop and approve an OSS program management plan that will guide the development and management of OSS in marine recovery areas within the local health jurisdiction. The local health jurisdictions are in the following counties and regions: Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston, and Whatcom.

In developing the OSS program management plan, the local health officers must propose marine recovery areas where an OSSs is a significant factor contributing to concerns with: (1) shellfish growing areas that have been threatened or downgraded; (2) state waters listed under the CWA for low oxygen levels or fecal coliform; or (3) marine waters where nitrogen has been identified as a contaminant of concern. In determining the area's boundaries, the health officer must include geographic areas where existing OSS may have an impact. Once a marine recovery area has been proposed, the local health officer must develop and approve an on-site strategy to manage OSS within the proposed area.

The onsite strategy must address how the jurisdiction will:

- find failing OSS and ensure system owners make repairs by July 1, 2012; and
- find unknown OSS and ensure they are inspected or repaired by July 1, 2012.

The DOH may grant a 12-month extension where a local health jurisdiction has demonstrated substantial progress.

In addition, local health officers must require that OSS maintenance specialists and septic tank pumpers report any failing OSS. Working with the DOH, local health officers must develop an electronic data system to actively manage OSS within their jurisdiction.

The OSS management plans must be submitted to the DOH by July 1, 2007. The DOH must review all plans to ensure the required elements and designation of marine recovery areas are addressed. Within 30 days of receiving an on-site strategy, the DOH must either approve the strategy or provide in writing the reasons for not approving the strategy. If the strategy is not approved, the local board of health can revise and resubmit the strategy or may appeal the denial to the Board.

The DOH will enter into a contract with each local health jurisdiction to implement OSS plans or enhance its data systems. The contract must require evidence of progressive improvement in the marine recovery areas and other performance expected under the plan.

The DOE must offer financial and technical assistance to local governments and tribal entities in Puget Sound counties to establish or expand OSS repair and replacement loan and grant programs. The programs shall give priority to low-income home owners and award grants based on financial need.

The DOH must report to the appropriate committees of the Legislature by December 31, 2008, on progress in designating marine recovery areas and developing and implementing on-site strategies. The DOH shall convene a work group for the purpose of making recommendations to the Legislature for the development of certification or licensing of OSS maintenance specialists.

**Votes on Final Passage:**

House	70	26
Senate	28	15

**Effective:** June 7, 2006