

FINAL BILL REPORT

ESSB 5894

C 343 L 07

Synopsis as Enacted

Brief Description: Clarifying the regulatory authority for on-site sewage systems.

Sponsors: Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell; by request of Department of Health).

Senate Committee on Water, Energy & Telecommunications
Senate Committee on Ways & Means
House Committee on Select Committee on Environmental Health
House Committee on Appropriations

Background: On-site septic systems or on-site sewage systems (OSS) are the most common methods of wastewater treatment for homes, commercial establishments, and other places that are not connected to a public sewer system. An on-site sewage system consists of a network of pipes, a septic tank, and a drainfield, and provides subsurface soil treatment and dispersal of sewage. Properly functioning on-site sewage systems protect public health and the environment by preventing untreated wastewater from coming into contact with people, ground, or surface water.

On-site sewage systems are regulated and characterized by wastewater flows. Smaller on-site sewage systems are designed for flows up to 3,500 gallons per day (gpd). The State Board of Health promulgates rules for these systems and the local health jurisdictions have the authority for implementation and approval.

Large on-site sewage systems (LOSS) dispose of 3,500 to 100,000 gallons of wastewater per day. The Departments of Ecology (Ecology) and Health (DOH) have regulatory jurisdiction over large on-site sewage systems. Ecology and DOH have split jurisdiction over the management of LOSS disposing of 3,500 to 14,500 gpd; Ecology manages mechanical systems and DOH handles non-mechanical systems. Ecology has regulatory authority for all systems over 14,500 gpd.

Summary: The DOH is required to establish comprehensive state-wide regulations of large on-site sewage systems. Large on-site sewage systems are defined as systems disposing of 3,500 to 100,000 gpd of wastewater and may include mechanical treatment. The DOH is authorized to regulate LOSS through permitting and oversight; establishing standards and rules for siting, design, construction, installation, operation, maintenance, and repair; and enforcing standards and rules. LOSS may not be used for treatment and disposal of industrial wastewater or combined sanitary sewer and storm water systems.

After July 1, 2009, an owner of a LOSS must have a permit issued by DOH. Prior to issuing a permit, DOH must ensure the system meets all applicable requirements. The permit must

include conditions or requirements for system improvements and compliance schedules to ensure the LOSS is properly operated and maintained.

An owner of a LOSS permitted by Ecology must apply for an operating permit from DOH 180 days prior to the expiration date of the Ecology permit. All LOSS required to have an operator certified through Ecology must continue to do so.

The DOH must develop rules for large on-site sewage systems. The DOH is required to develop rules, in consultation with Ecology, to ensure that LOSS comply with the Clean Water Act requirements. The rules must ensure consistency with the Growth Management Act requirements for comprehensive plans and development regulations. In addition, the DOH must adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications. A person who violates LOSS regulations is subject to penalties of not more than \$10,000 per day for each violation.

A person who is aggrieved by the issuance of an initial LOSS permit has the right to an adjudicative proceeding. The adjudicative proceeding is governed by the Administrative Procedures Act.

The State Board of Health authority for rulemaking regarding on-site sewage systems with flows less than 3,500 gpd is clarified. The local health officer may issue a maximum civil penalty of up to \$1,000 per day for each violation of on-site sewage rules.

Votes on Final Passage:

Senate	39	8	
House	71	27	(House amended)
Senate	36	12	(Senate concurred)

Effective: July 22, 2007