

HOUSE BILL REPORT

SSB 6116

As Reported by House Committee On:
Environment

Title: An act relating to on-site sewage program management plans.

Brief Description: Concerning on-site sewage program management plans.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Fraser, Swecker, Pridemore, Ranker and Murray).

Brief History:

Committee Activity:

Environment: 2/16/12, 2/21/12 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Authorizes a local board of health in the 12 counties bordering Puget Sound to adopt and manage an on-site sewage program management plan, and to impose reasonable rates or charges in an amount sufficient to pay for the actual costs of administration and operation of the plan.
- Authorizes a local board of health in these 12 counties to contract with the county treasurer to collect the rates or charges imposed.
- Specifies that a local board of health in these 12 counties may not impose a lien on real property for failure to pay rates and charges imposed, or impose fees beyond the powers currently vested in a local board of health related to fee collection.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass as amended. Signed by 15 members: Representatives Upthegrove, Chair; Tharinger, Vice Chair; Short, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Crouse, Fitzgibbon, Hansen, Jinkins, Morris, Moscoso, Nealey, Pearson, Pollet, Takko and Wylie.

Minority Report: Do not pass. Signed by 2 members: Representatives Shea and Taylor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Anna Jackson (786-7194).

Background:

The Washington State Board of Health (BOH) has the authority to adopt rules for the design, construction, installation, operation, and maintenance of on-site sewage systems with design flows of less than 3,500 gallons per day. The BOH rules require property owners to complete an evaluation of their on-site sewage system once every three years for gravity drain field systems and annually for all other types of systems.

Local boards of health are responsible for identifying failing septic tank drain fields. A local board of health may adopt more restrictive standards for on-site sewage systems than those adopted by the BOH. A local board of health may grant a waiver from specific requirements adopted by the BOH for on-site sewage systems if the local board of health determines that the waiver is consistent with the BOH standards.

On-site sewage systems located in marine recovery areas designated by the Washington State Department of Health (Department) or a local board of health are subject to enhanced on-site sewage system regulations, including inspections, inventory and identification, and monitoring to ensure protection of public health and Puget Sound water quality. The local boards of health in 12 Puget Sound counties must develop an on-site sewage system management plan specifically to address shellfish growing areas and degraded marine water quality. The Department approves each county's marine recovery area management plan.

Summary of Amended Bill:

A local board of health in the 12 counties bordering Puget Sound may adopt and manage an on-site sewage program management plan, and may impose and collect reasonable rates or charges in an amount sufficient to pay for the actual costs of administration and operation of the plan.

A local board of health in these 12 counties may contract with the county treasurer to collect the rates or charges imposed, but may not impose a lien on real property for failure to pay rates and charges imposed.

A local board of health in these 12 counties may not impose and collect fees related to the implementation of an on-site sewage program management plan beyond the powers currently vested in a local board of health to establish a fee schedule for issuing or renewing licenses or permits, or for other activities authorized by the law and rules of the BOH.

Amended Bill Compared to Substitute Bill:

The amended bill strikes all of the provisions of the substitute bill.

The amended bill authorizes a local board of health in the 12 counties bordering the Puget Sound to adopt and manage an on-site sewage program management plan, impose reasonable

fees in an amount sufficient to pay for the actual costs of administration and operation of the plan, and contract with the county treasurer to collect the fees imposed.

The amended bill specifies that in executing these powers, a local board of health in these 12 counties does not have the authority to impose a lien on real property for failure to pay the fees imposed.

The amended bill specifies that a local board of health in these 12 counties may not impose and collect fees beyond the powers currently vested in a local board of health related to imposing fees.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a very small, simple bill that gives local boards of health a simpler, more cost effective way of collecting fees on septic tanks in specially-designated septic tank management areas, mainly developed in connection with shellfish protection areas. Currently, local boards of health can only collect fees by contacting households individually. This bill would allow local boards of health to post fees sufficient to pay for the cost of administering an on-site sewage program management plan; this would not be a property tax charge. It is more cost effective to collect fees in this manner, and this change would also benefit water quality and shellfish protection efforts. The bill does not make any changes to current regulations, and contains a specific provision specifying that it would not give local boards of health lien authority.

Local health jurisdictions are responsible for developing on-site sewage management plans, and one of the key issues is being able to fund the implementation of these plans. Local health jurisdictions must identify failing septic systems, maintain records of septic systems, educate owners, inventory on-site systems, and identify unknown systems – all of which takes time, effort, and tools to implement. Currently, local health jurisdictions have to rely on grants and other funding sources to implement these plans, none of which are sustainable. This bill would provide a more sustainable funding source and would also allow local health jurisdictions to contract with the county treasurer, which is a more efficient process than an individual billing system.

There are currently over 9,000 on-site systems throughout the state and all of the 12 Puget Sound counties have adopted on-site sewage system program management plans. These plans are critical in ensuring groundwater quality, shellfish production, and protecting public health. This bill will assist local health jurisdictions in billing the costs of implementing these plans as efficiently as possible.

Clean water is critical for shellfish growers, but shellfish growers are not supportive of unnecessary regulations. Shellfish growers support this bill because it provides a more efficient way to bring money in to local boards of health, and shellfish growers believe local boards of health are lean, low-cost operations and want to support efforts to help them continue to operate in this manner.

Currently, it is difficult for on-site sewage system service providers, especially small ones, to facilitate fee collection in conjunction with local health jurisdictions. This is a time consuming process that service providers are not paid for doing. This bill would ease the burden on service providers as well as local health jurisdictions. The issue of not providing local health boards with the authority to impose liens was discussed in the Senate; there is a lot of discomfort about having this authority in place for small septic fees. There are other collection mechanisms available to local health boards. This bill provides a greater good; it may not be perfect, but is worth moving forward. None of the new authority granted to local health boards in how to collect fees is mandatory.

(With concerns) The Thurston County Treasurer wants to help local health departments collect these fees, and foreclosure costs are currently a significant concern. The concern with this bill is that it would possibly be the first in many new assessments in the future that would not grant local health jurisdictions or other entities the ability to impose liens on residents who do not pay their taxes.

(Opposed) None.

Persons Testifying: (In support) Senator Fraser, prime sponsor; Art Starry, Thurston County Public Health; Jerrod Davis, Washington State Department of Health; Jim Jesernig, Pacific Coast Shellfish Growers; John Thomas, Washington Onsite Sewage Association; and Brad Banks, Washington State Association of Public Health Officials.

(With concerns) Shawn Myers, County Treasurers Association; and Monty Cobb, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.