

HOUSE BILL REPORT

HB 1665

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to on-site sewage disposal systems.

Brief Description: Limiting review or approval of on-site sewage disposal systems by the department of ecology.

Sponsors: Representatives McMorris, Campbell, Honeyford, Koster, Johnson, Huff, Cairnes, Fuhrman, D. Schmidt, Padden and Thompson.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/22/95, 2/23/95 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

Minority Report: Do not pass. Signed by 4 members: Representatives R. Fisher; Poulsen; Regala and Rust.

Staff: Jonathan Thompson (786-7349).

Background:

Departments of Ecology and Health approval of sewage facility construction or modification.

Before constructing or modifying a sewage facility, the owner of the facility is required to submit plans and specifications to the Department of Ecology or the department's local government designee for a determination whether the plans provide adequate protection of water quality.

The Department of Health has also adopted rules requiring that plans and specifications be submitted to either the Department of Health or local boards of

health for construction or modification of certain "on-site" sewage systems. On-site systems are those systems that are not connected to a public sewer, but are instead confined to the property where the sewage originates or nearby property under the control of the system user.

Regulations provide that plans and specifications for smaller on-site facilities are to be submitted to the Department of Health, while those for larger on-site facilities and public systems are to be submitted to the Department of Ecology. The smallest on-site facilities are not subject to the plan submission requirements, but their owners must obtain a permit from the local health officer for construction or modification. Thus, current jurisdiction for approval of construction or modification of sewage facilities is divided as follows:

DEPARTMENT OF ECOLOGY must approve plans for:

All systems for disposal of domestic and industrial wastes except septic systems with a design capacity of less than 14,500 gallons per day and mechanical treatment or lagoon systems of less than 3,500 gallons per day.

DEPARTMENT OF HEALTH must approve plans for:

On-site facilities with design flows less than the thresholds established by Department of Ecology regulations for septic, mechanical, or lagoon systems.

LOCAL HEALTH OFFICER must issue permits for:

On-site sewage systems with design flows of less than 3,500 gallons per day.

Department of Ecology determination of water pollution violations.

Whenever the Department of Ecology determines that someone is illegally polluting waters or is likely to do so, the department must either:

- (1) give the violator or potential violator 30 days to file a report stating steps being taken to correct or prevent the violation, after which the department may issue an order or directive; or
- (2) immediately issue an appropriate order or directive.

Local boards of health are required to use reasonable efforts to determine failures of septic tank drainfield systems.

Summary of Substitute Bill: On-site sewage disposal systems are exempted from the requirement that plans and specifications for construction or modification of sewage facilities be submitted for the approval of the Department of Ecology or the department's designee.

The Department of Ecology is precluded from determining that on-site sewage disposal systems are in potential violation of water pollution prohibitions solely on the grounds that these systems have not been approved by the department.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that the Department of Ecology is not precluded from enforcing water pollution laws with regard to violations caused by on-site sewage disposal facilities.

Appropriation: None.

Fiscal Note: Requested on February 16, 1995.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The law is unclear in this area because of divided jurisdiction of the Department of Ecology, the Department of Health, and the local health agencies. Redundancy in regulation is avoided by eliminating the Department of Ecology from plan review for on-site facilities. Local health boards' monitoring efforts provide an adequate safeguard of public health. On-site systems are ecologically beneficial because they return gray water to aquifers.

Testimony Against: Failure of on-site systems presents a serious health problem. The Department of Ecology should not be precluded from backing up local government's enforcement of water pollution laws with regard to on-site system failures (original bill).

Testified: Brian Minnich, Building Industry Association of Washington (pro); Dan Baskins, Kitsap County Homeowners (pro); Jerry Sturgill, Building Industry Association of Washington (pro); and Mike Llewelyn, Department of Ecology (con).