

SENATE BILL REPORT

SB 5838

As Reported By Senate Committee On:
Agriculture & Environment, February 27, 1997

Title: An act relating to an on-site sewage system permit.

Brief Description: Requiring health boards to respond to requests for on-site sewage permits in a timely manner.

Sponsors: Senators Swecker, Morton and Winsley.

Brief History:

Committee Activity: Agriculture & Environment: 2/25/97, 2/27/97 [DPS].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

Background: On-Site System Permitting: There are a variety of devices and systems used for the on-site treatment of sewage. Under state Department of Health regulations, an on-site system other than a conventional gravity system or conventional pressure distribution system is regulated as an "alternative system." The regulation of alternative and conventional on-site systems is undertaken at both the state and local levels.

The state has adopted statewide minimum standards for the siting and operation of on-site systems, which were last substantially revised by rules adopted in 1994. Local health agencies must administer programs consistent with these standards but may exceed the standards to address local circumstances.

For alternative systems, the Department of Health, with the assistance of an advisory committee called the Technical Review Committee (TRC), approves specific proprietary systems or devices. The TRC is created by state rule and comprises representatives of various state and local health agencies, engineering and on-site system design and installation firms, product manufacturers, and others.

Once a device is state-approved, it is added to a list of approved devices that becomes available to engineers and designers who develop site-specific proposals for an on-site system. These proposals are reviewed and approved by the local health agency. The local approval may condition all or part of the proposed alternative system to address specific site issues and operation and maintenance needs.

Water-Sewer District Formation: To form a new water-sewer district, 10 percent of the registered voters in an area must petition the county legislative authority. If the county, after hearing, determines that the district will be conducive to the public health and welfare, formation of the district is submitted to the voters. There is no method for forming a water-sewer district in a development that does not yet have residents.

Summary of Substitute Bill: On-Site System Permitting: A local health officer must respond to an applicant for an on-site sewage system permit within 30 days after receiving a completed application. The application may be approved, denied, or identified as pending. Any denial must be for cause and based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws or regulations. The applicant must be provided with a written justification for the denial, along with an explanation of the appeal process.

If an application to install an on-site system is identified as pending, the local health officer must provide the applicant with written justification that site-specific conditions or circumstances require more time for a decision. The local health officer also must estimate the time required for a decision to be made.

The local health officer may not limit the number of alternative systems allowed within the jurisdiction without cause. Any limitation must be based on environmental concerns or conflicts with other laws, and justified in writing.

The Department of Health must include one person familiar with the operation and maintenance of alternative on-site systems on the Technical Review Committee. The Department of Health must review and update the technical guidelines and standards for alternative on-site systems every three years, with the first review to be completed by January 1, 1999.

Water-Sewer District Formation: An alternative method for forming a water-sewer district is established for developments that do not yet have any residents. At the written request of 60 percent of the owners of the area to be included in the proposed district, the county legislative authority may authorize the formation of a water-sewer district to serve a new development. The district must be in compliance with the local comprehensive plan and any local plan for provision of water or sewerage facilities. The initial commissioners are appointed by the county legislative authority, and serve until 75 percent of the development is occupied. The water-sewer district may be subsequently transferred or dissolved at the request of 60 percent of the owners of the area in the district.

Substitute Bill Compared to Original Bill: The additional time limit of 60 days for permits identified as pending is deleted. The deadline for the first review of alternative system standards and guidelines is extended one year. The section on formation of a new water-sewer district is expanded to include criteria for approval of new districts, and methods for transfer or dissolution of the district.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Local health officers who are unfamiliar with an alternative system may delay acting on the on-site system permit. The added time adds to the cost of a home. Clear time limits are needed, and if a permit is denied it should be for specific public health concerns. Alternative systems yield a cleaner effluent than many traditional systems, and should be encouraged.

Testimony Against: The limit of 60 additional days if an application is identified as pending is too short. If a local health district needs a winter water table study or other information that will take more than 60 days to receive, the application would have to be denied. The Technical Review Committee should review alternative system guidelines, but the deadline of January 1, 1998 is too soon.

Testified: Brian Minnich, BIAW (pro); Ed Stanton, BIAW (pro); Ronald Inman, Northwest Cascade, Inc.(pro); Bill White, DOH; Don Leaf, Washington State Env. Health Directors; Paul Parker, Washington State Association of Counties.