

2 **E2SHB 2929** - S COMM AMD

3 By Committee on Environmental Quality & Water Resources

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature enacted chapter 263, Laws  
8 of 1999 to help address problems with failing septic systems. As part  
9 of chapter 263, Laws of 1999, a work group was created to develop  
10 recommendations regarding financial assurances of on-site sewage  
11 disposal system practitioners, including bonding, insurance, risk  
12 pools, and similar methods. This work group submitted its  
13 recommendations to the legislature on December 1, 1999.  
14 Recommendations developed by the work group include the development of  
15 a data collection system that documents the number and types of  
16 systems, locations within the state by region, the frequency of repair,  
17 and the diagnosed factors leading to repair, as well as the development  
18 of a model program that identifies the authorities, roles, and  
19 responsibilities of the designer, installer, and homeowner.

20 The legislature recognizes that a major source of nonpoint  
21 pollution is failing on-site sewage disposal systems. The 1999-2001  
22 Puget Sound water quality work plan, developed by the Puget Sound water  
23 quality action team, indicates that local governments have reported  
24 failure rates for on-site sewage disposal systems of up to twenty-five  
25 percent along the shoreline of Puget Sound. Pollution from these  
26 failing systems poses a risk to public health and water quality, and  
27 significantly impacts the shellfish industry. The general public is  
28 also exposed to significant health risks when sewage is discharged upon  
29 the ground or into surface or ground waters. The legislature finds  
30 that the public health and water quality can be better protected by:  
31 The development of better data; the development of clear lines of  
32 responsibility between the designer, installers, and homeowners; and  
33 clarifications to the existing law regarding on-site sewage disposal  
34 systems.

1        NEW SECTION.    **Sec. 2.**    The legislature recommends the state board  
2 of health consider requiring the installation of inspection portals in  
3 on-site wastewater treatment systems through the adoption of rules or  
4 incorporation in on-site sewage system operations and maintenance  
5 guidelines.

6        **Sec. 3.**    RCW 70.118.020 and 1994 c 281 s 2 are each amended to read  
7 as follows:

8        As used in this chapter, the terms defined in this section shall  
9 have the meanings indicated unless the context clearly indicates  
10 otherwise.

11        (1) "Nonwater-carried sewage disposal devices" means any device  
12 that stores and treats nonwater-carried human urine and feces.

13        (2) "Alternative methods of effluent disposal" means systems  
14 approved by the department of health, including at least, mound  
15 systems, alternating drainfields, anaerobic filters, evapotranspiration  
16 systems, and aerobic systems.

17        (3) "Failure" means:    (a) Effluent has been discharged on the  
18 surface of the ground prior to approved treatment; or (b) effluent has  
19 percolated to the surface of the ground; or (c) effluent has  
20 contaminated or threatens to contaminate a ground water supply; or (d)  
21 a drainfield, sand filter, or mound that has become saturated. For  
22 purposes of this subsection, "saturated" means an inability to fully  
23 absorb wastewater, which may be exhibited by a pumped tank filling from  
24 the backflow from the drainfield, sand filter, or mound. A failing  
25 system does not include those systems that are either temporarily  
26 frozen during winter or temporarily saturated due to the occurrence of  
27 a flooded stream or river.

28        (4) "Additive" means any commercial product intended to affect the  
29 performance or aesthetics of an on-site sewage disposal system.

30        (5) "Department" means the department of health.

31        (6) "On-site sewage disposal system" means any system of piping,  
32 treatment devices, or other facilities that convey, store, treat, or  
33 dispose of sewage on the property where it originates or on nearby  
34 property under the control of the user where the system is not  
35 connected to a public sewer system. For purposes of this chapter, an  
36 on-site sewage disposal system does not include indoor plumbing and  
37 associated fixtures.

1 (7) "Chemical additive" means those additives containing acids,  
2 bases, or other chemicals deemed unsafe by the department for use in an  
3 on-site sewage disposal system.

4 (8) "Additive manufacturer" means any person who manufactures,  
5 formulates, blends, packages, or repackages an additive product for  
6 sale, use, or distribution within the state.

7 NEW SECTION. **Sec. 4.** The department of health shall develop a  
8 model program pertaining to on-site sewage disposal systems that  
9 describes the authorities, roles, and responsibilities of designers,  
10 installers, and homeowners. In developing the model program, the  
11 department shall involve local health jurisdictions, owners of on-site  
12 sewage disposal systems, designers and installers of on-site sewage  
13 disposal systems, and builders. The meetings to develop the model  
14 program shall be open to the public, and time shall be allocated at  
15 each meeting to receive public comment. The model program has no  
16 binding effect on the liability of any party, but shall be used in the  
17 future development of a cost-effective performance-based recovery  
18 system for consumers of on-site sewage disposal systems. The model  
19 shall give consideration to long-term performance warranties provided  
20 to the owners of these on-site systems. Design criteria in this model  
21 should address peak flow limitations. The department of health shall  
22 report its recommendations and model to the office of financial  
23 management and the appropriate legislative committees by July 1, 2001.

24 NEW SECTION. **Sec. 5.** The department of health shall develop  
25 recommendations for establishing a state-wide system of risk assessment  
26 data for on-site sewage disposal systems. The department shall consult  
27 with local health jurisdictions in developing the recommendations. The  
28 recommendations shall address how local governments will maintain and  
29 transmit information to the department pertaining to on-site sewage  
30 disposal systems, and how this information will be used by local health  
31 jurisdictions to determine appropriate siting, design, and inspection  
32 protocols. Information that shall be considered when developing the  
33 recommendations for the system of risk assessment data include the  
34 number and types of on-site sewage disposal systems, the frequency of  
35 repair by geographic regions, factors leading to repair by general  
36 category, and funding for the state and local governments to develop  
37 and maintain the system of data. Nothing in this section requires a

1 local board of health to collect information concerning why an on-site  
2 sewage disposal system failed prior to the development of the system.  
3 The department of health shall submit its recommendations to the office  
4 of financial management and the appropriate legislative committees by  
5 January 1, 2001.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.118 RCW  
7 to read as follows:

8 Whenever a local health officer determines that a person has  
9 intentionally discharged effluent onto the surface of the ground, or  
10 into surface or ground water, or has installed a bypass to an on-site  
11 sewage disposal system that results in such a discharge, and the person  
12 causing the discharge is an installer, pumper, or other on-site sewage  
13 disposal system professional subject to department of health guidelines  
14 for on-site sewage disposal system work, the local board of health must  
15 suspend the license, certification, permit, or other authority of the  
16 on-site sewage disposal system professional for a minimum of thirty  
17 days. The suspension under this section is in addition to any civil or  
18 criminal penalty that may be imposed by the local board of health or  
19 the department of health. This section does not apply when the  
20 discharge is authorized by a local health officer as the only realistic  
21 method of final disposal of treated effluent. This section does not  
22 apply to designers of on-site sewage disposal systems, who are subject  
23 to section 7 of this act for intentional discharges of effluent.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.210 RCW  
25 to read as follows:

26 When a local health officer determines that a designer has  
27 intentionally discharged effluent onto the surface of the ground, or  
28 into surface or ground water, or has installed a bypass to an on-site  
29 sewage disposal system that results in such a discharge, the local  
30 health officer shall report the incident to the board. The board,  
31 acting pursuant to RCW 18.210.030, shall suspend the license or  
32 practice permit of the designer for a minimum of thirty days. The  
33 suspension shall be in addition to any civil or criminal penalty that  
34 may be imposed. An intentional discharge of effluent in violation of  
35 this section constitutes malpractice under RCW 18.210.020. This  
36 section does not apply when the discharge is authorized by a local

1 health officer as the only realistic method of final disposal of  
2 treated effluent."

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6 On page 1, line 1 of the title, after "systems;" strike the  
7 remainder of the title and insert "amending RCW 70.118.020; adding a  
8 new section to chapter 70.118 RCW; adding a new section to chapter  
9 18.210 RCW; creating new sections; and prescribing penalties."

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