

**SB 5431-S2 - DIGEST**

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Declares it is the purpose of this act to authorize enhanced local programs in marine recovery areas to inventory existing on-site sewage disposal systems, to identify the location of all on-site sewage disposal systems near marine recovery areas, to require inspection of on-site sewage disposal systems and repairs to those systems that are failing, to develop data bases capable of sharing information regarding on-site sewage disposal systems, and to monitor the progress of implementing these programs to ensure that they are working to protect public health and the quality of Puget Sound waters.

Requires that, by July 1, 2006, the local health officer shall designate a marine recovery area for those land areas where on-site sewage disposal systems are a significant factor contributing to public health and environmental concerns, and where associated with: (1) Shellfish growing areas that have been downgraded by the department under chapter 69.30 RCW;

(2) State waters that are listed by the department of ecology under Section 303(d) of the federal clean water act (33 U.S.C. Sec. 1251 et seq.) for low-dissolved oxygen or fecal coliform; or

(3) Marine waters that have been identified by the local health officer with nitrogen as a contaminant of concern.

Provides that, after July 1, 2006, the local health officer may designate additional areas where new information indicates additional land areas meet the criteria of this section. Where the department recommends the designation of an area or the expansion of a designated area, the local health officer shall notify the department of its decision concerning the recommendation within ninety days of receipt of the recommendation.

Requires that, by July 1, 2007, and thereafter, the local health officers of health jurisdictions in the twelve counties bordering Puget Sound where a marine recovery area has been designated under this act shall each develop and approve an on-site sewage disposal system program implementation plan that will guide the local health jurisdiction in the development and management of all on-site sewage disposal systems within the marine recovery areas within its jurisdiction. The department may grant an extension of twelve months where the local health jurisdiction has demonstrated substantial progress toward completion of the plan.

Requires the on-site sewage disposal system program implementation plan for the marine recovery area to include how the local health jurisdiction will: (1) By July 1, 2010, find failing systems and ensure system owners make necessary repairs;

(2) By July 1, 2010, find unknown systems and ensure they are inspected and ensure they are functioning properly, and repairs are made as necessary;

(3) Implement the requirements for inspection, reporting, and completing necessary repairs required under this act;

(4) Identify the additional requirements for operation, maintenance, and monitoring that are commensurate with the risks posed by on-site sewage disposal systems in the marine recovery

area;

(5) Facilitate education of owners of on-site sewage disposal systems regarding requirements for owners;

(6) Provide operation and maintenance information for owners of all system types in use within the marine recovery area;

(7) Ensure owners of on-site sewage disposal systems complete operation and maintenance inspections as required by rules adopted by the board;

(8) Maintain all records as required by rules adopted by the board including inspections and repairs;

(9) Enforce applicable on-site sewage disposal system permit requirements; and

(10) If necessary, recommend alternatives to conventional on-site sewage disposal systems such as extending sewer services, developing community sewage systems, and encouraging on-site sewage disposal system technologies that present greater treatment performance, particularly regarding the reduction or removal of nitrogen.

Requires each local health officer to develop and maintain an electronic data system of all on-site sewage disposal systems within marine recovery areas to enable local health jurisdictions to actively manage on-site sewage disposal systems.

Requires the owner of an on-site sewage disposal system to obtain an inspection of the system by an on-site sewage disposal system professional approved by the county when: (1) The property is sold to another person; or

(2) A building permit is required for the structure served by the system for the purpose of reconstruction or a substantial remodel of the structure.

Directs the department of health to report to the appropriate committees of the senate and house of representatives by December 31, 2007, on progress in designating marine recovery areas and developing and implementing on-site sewage disposal system implementation plans for such areas.

Requires that, from funds appropriated in the biennial appropriations act for the purposes of this act, the department shall administer a program of financial assistance for the repair and replacement of on-site sewage disposal systems in counties with marine waters.