
**Select Committee on
Environmental Health**

HB 1650

Brief Description: Providing for an inspected inventory of on-site sewage disposal systems.

Sponsors: Representatives Fromhold, Hunt, B. Sullivan and Moeller.

Brief Summary of Bill

- Requires a city, town, or county, not located within a marine recovery area, to: (1) create and maintain an inventory of households and businesses that do not receive sanitary sewage services; and (2) institute a program to inspect all on-site sewage disposal systems within the jurisdiction.
- Allows phased-in time lines for compliance with the inventory and inspection program based on the number of residents in a particular jurisdiction.
- Authorizes an on-site sewer inspection reimbursement account to reimburse cities, towns, and counties for some of the costs associated with the creation and maintenance of on-site sewage disposal system inventories.

Hearing Date: 2/7/07

Staff: Amy McCormick (786-7290).

Background:

The State Board of Health (Board) provides a forum for the development of public health policy in Washington. The Board has adopted rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, including on-site sewage disposal systems. Permits are required for the installation, alteration, extension, or relocation of an on-site sewage disposal system (OSS). Local boards of health issue OSS permits, enforce the standards, and may adopt more stringent local standards.

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.

In October 2000, the Department of Health (DOH) convened the On-Site Wastewater Advisory Committee to advise the DOH on policy matters relating to the Wastewater Management Program. A rule development committee was formed in February 2002 to assist the DOH to initiate the OSS rule revision process, and final rules were adopted in July 2005 for OSSs. These rules required the local health jurisdictions to write plans for the development and management of all OSSs within their jurisdictions.

In March 2006, legislation passed relating to the management of OSSs in marine recovery areas. Marine recovery areas must be identified when existing OSSs are a significant factor contributing to concerns associated with: (1) the degradation of shellfish growing areas; (2) marine waters listed by the Department of Ecology (DOE) for low-dissolved oxygen levels or fecal coliform; or (3) marine waters where nitrogen has been identified as a contaminant of concern. Local health jurisdictions must develop an on-site strategy to manage OSSs within marine recovery areas by July 1, 2007 to find failing OSSs. The on-site strategy must address how the jurisdiction will: (1) find failing systems and ensure that system owners make repairs by July 1, 2012; and (2) find unknown systems and ensure that they are inspected or repaired by July 1, 2012.

Summary of Bill:

A city, town, or county, not located within a marine recovery area, must:

- (1) create and maintain an inventory of households and businesses, within city or town boundaries, or within unincorporated portions of a county, that do not receive sanitary sewage services; and
- (2) institute a program to inspect all on-site sewage disposal systems within the city's or town's jurisdiction or within the unincorporated areas of the county.

Cities, towns and counties may design the inspection and inventory programs directly or through a local health jurisdiction.

A city or town with a population of 31,000 residents or more must complete these requirements by January 1, 2009, if the city or town is not located within a marine recovery area. A city or town with a population of less than 31,000 residents must complete these requirements by January 1, 2011, if the city or town is not located within a marine recovery area. A county must complete these requirements for the unincorporated portions of the county not located within a marine recovery area by January 1, 2013.

Inventory

The inventory of households and businesses that do not receive sanitary sewage services may be designed in any manner that best satisfies the needs of the community, as long as the following minimum criteria are met:

- (1) the maximum practicable effort has been made to identify all households and businesses that do not receive sanitary sewage services;
- (2) the inventory is updated no less than every 5 years; and
- (3) the information in the inventory is made available to DOH.

Inspection

The inspection program of OSSs may be designed in any manner that best satisfies the needs of the community as long as the following minimum criteria are met:

- (1) each owner of an OSS must have the system inspected not less than once every five years, and the initial inspection must be completed within two years of the completion of the inventory;
- (2) each inspection must determine whether the system is in a state of failure and whether the system complies with the board's standards and requirements; and
- (3) a written inspection report must be submitted to the department within 90 days of the inspection.

Reimbursement Account

The local on-site sewer inspection reimbursement account is created in the custody of the state treasurer. Until June 30, 2015, the department may use moneys in the account to reimburse cities, towns, and counties for the costs associated with the creation and maintenance of OSS inventories. If the account has available moneys, upon application, cities, towns or counties may be reimbursed for not less than 75% of the reasonable and auditable costs incurred in satisfying the inventory requirements.

Reporting Requirements

By January 15, 2009, the department shall report to the legislature a summary of the information provided by cities, towns, and counties regarding the inventory and inspection of OSSs. The report must include:

- (1) the number and general location of inventoried OSSs;
- (2) the functionality or failure rates of the state's OSSs;
- (3) the number of jurisdictions in full compliance with inventory and inspection requirements;
- (4) the actual reimbursement requests received from cities, towns and counties; and
- (5) the anticipated future reimbursement requests.

The report must be updated no less than three times, and no later than January 15, 2011, January 15, 2013, and January 15, 2015.

Non-compliance

If a city, town or county is not in compliance with the inventory and inspection requirements, the jurisdiction must deny all applications for the installation of a new OSS until compliance is reached.

Waiver from specific requirements

If a city, town or county is in compliance with the inventory and inspection requirements, a local health officer may grant a waiver from specific requirements adopted by the board for OSSs.

Administrative search warrants

A request for an administrative search warrant, must show that inspection, examination, test or sampling is part of the standard inspection program.

Appropriation: None.

Fiscal Note: Requested on January 29, 2007.

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