
**Select Committee on
Environmental Health**

HB 3312

Brief Description: Regarding biological remediation technologies for on-site sewage disposal systems.

Sponsors: Representative Chase.

Brief Summary of Bill

- Authorizes use of biological remediation technology in failed drainfields of on-site sewage disposal systems.
- Authorizes use of biological remediation technology in preventing clogged infiltrative surfaces when an on-site sewage disposal systems is not in a state of failure.
- Requires manufacturers of biological remediation technologies to provide documentation to the local health jurisdiction that there has been verified performance of the technology.
- Requires the Board of Health to adopt rules for: (1) verification of biological remediation products performance and (2) use of products in failing on-site sewage disposal systems.

Hearing Date: 2/5/08

Staff: Ashley Pedersen (786-7303).

Background:

The Department of Health (DOH) protects public health by promoting the safe treatment and disposal of domestic and other non-industrial wastewater in areas of Washington not served by municipal sewage treatment works. Rules and standards have been adopted to prevent, control, and abate health hazards and nuisances related to the disposal of wastes, including on-site sewage disposal systems. The DOH regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage disposal systems.

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.

The DOH develops standards and guidance to assist local health officers in permitting different types of sewage treatment and distribution technologies, including public domain treatment technologies, proprietary treatment products, public domain distribution technologies, and proprietary distribution products. Manufacturers of proprietary treatment products must register their product with the DOH before the local health officer may permit their use. To qualify for product registration, manufacturers must meet several requirements, including verifying product performance through testing, and reporting test results.

The DOH does not currently recognize any testing protocol for use in the repair or recovery of failed drain fields of on-site sewage disposal systems.

Summary of Bill:

Biological Remediation Technology

Biological remediation technology may be used in the recovery of failed drainfields of on-site sewage disposal systems. In addition, biological remediation technology may be used for the purpose of preventing clogged infiltrative surfaces when an on-site sewage disposal systems is not in a state of failure.

Biological remediation is a process that uses microorganisms to return a contaminated environment, including a drainfield or soil dispersal component, to a state of nonfailure. Biological remediation can also involve a process that uses microorganisms to sufficiently increase the infiltration rate through and into the soil below the infiltrative surface of a clogged infiltrative surface on-site sewage disposal system.

If an on-site sewage disposal system with a biological remediation product does not remedy a clogged infiltrative surface within three months, the local health jurisdiction must require system repairs to meet on-site sewage disposal system requirements as found in chapter 246-272A of the WAC.

Authorized Installers of Biological Remediation Products

When an on-site sewage disposal system is not in a state of failure, the following individuals are authorized to install biological remediation products:

- on-site wastewater treatment system designers licensed under chapter 18.210 of the RCW;
- installers approved by the local health officer to install on-site sewage disposal systems or components;
- professional engineers licensed under chapter 18.43 of the RCW;
- licensed on-site wastewater treatment system operation and maintenance professionals;
- licensed septic pumper; or
- other professional licensed by the local health jurisdiction.

When an on-site sewage disposal systems is in a state of failure, the following individuals are authorized to install biological remediation products:

- on-site wastewater treatment system designers licensed under chapter 18.210 of the RCW;
- installers approved by the local health officer to install on-site sewage disposal systems or components; or
- professional engineers licensed under chapter 18.43 of the RCW.

Manufacturers Must Verify Product Performance

Manufacturers of biological remediation technologies must provide documentation to the local health jurisdiction that there has been verified performance of the technology.

Product performance must be verified through:

- product testing by International Association of Plumbing and Mechanical Officials guide criteria standard 180-2003, or an equivalent standard; and
- product testing by testing facility conforming with the American National Standards Institute requirements.

In addition, manufacturers of biological remediation technologies are not required to register their proprietary treatment products with the DOH if the product performance is verified and the following conditions are met:

- the product continues its certification with the appropriate listing entity;
- the biological component of the product meets the conditions of RCW 70.118.060 relating to additive regulation;
- the biological remediation technology is used solely for the purpose of remedying or fixing a clogged infiltrative surface in a failed on-site sewage disposal system; and
- third-party field testing, is conducted through the American National Standards Institute, University testing data, or a DOH approved entity, showing remediation of a failed drainfield within 90 days.

The requirement that manufacturers must verify product performance expires on the earlier of either July 1, 2010, or the effective date of rules adopted by the Board of Health (BOH).

Board of Health Must Adopt Rules

By July 1, 2010 the BOH must adopt rules for verification of biological remediation products performance and for use of products in failing on-site sewage disposal systems.

The rules must set requirements for:

- permitting;
- ongoing certification of products;
- continued product use;
- removal of biological remediation products;
- monitoring of on-site sewage disposal systems using biological remediation technology; and
- annual inspection of systems with biological remediation technologies installed.

In addition, the rules must set forth a fee schedule to cover the cost of implementing a verification and certification program for biological remediation products.

By July 1, 2009, the BOH must report to the Legislature on the progress of rule making, as well as the successes and failures of biological remediation technology.

Permitting by Local Health Jurisdiction

When an on-site sewage disposal systems is in a state of failure, a local health jurisdiction may issue a permit.

When an on-site sewage disposal systems is not in a state of failure, a permit is not required for the installation or use of biological remediation devices. However, a local health jurisdiction may require no fee registration for tracking purposes and charge a reasonable fee..

Each no fee permit must include:

- inspection, monitoring, and maintenance requirements;
- a plan with a time frame for correcting any public health concern and the means to protect public health until the concern is addressed;
- a plan for operation and maintenance that is filed with the local health jurisdiction;
- a schedule for maintenance and operation reports;
- a contract with the owner of the on-site sewage disposal system with a biological remediation product for inspection and monitoring by an inspector certified or local health officer; and
- information for the owner of an on-site sewage disposal system with a biological remediation product.

Prior to issuing a no fee permit for a biological remediation product, the local health officer or on-site wastewater treatment system designer licensed under chapter 18.210 of the RCW must perform an assessment.

In determining whether the biological remediation technology is appropriate, the assessment must take into account: (1) site and effluent-specific characteristics of the on-site sewage disposal system; and (2) whether the biological remediation technology will adversely impact the environment or public health by increased wastewater flows.

Appropriation: None.

Fiscal Note: Available.

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