

SENATE BILL REPORT

SHB 2522

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 22, 2008

Title: An act relating to clarifying the civil penalty provisions for on- site sewage disposal systems administered by local health jurisdictions.

Brief Description: Regarding civil penalty provisions for on-site sewage disposal systems administered by local health jurisdictions.

Sponsors: House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hudgins, Campbell and Chase).

Brief History: Passed House: 2/13/08, 94-2.

Committee Activity: Water, Energy & Telecommunications: 2/22/08 [DP, DNP, w/oRec].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser, Hatfield, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Holmquist and Morton.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford, Ranking Minority Member.

Staff: Scott Boettcher (786-7416)

Background: Engrossed Substitute Senate Bill 5894 (Laws of 2007) added a new section to Chapter 70.118 RCW authorizing local health officers responsible for administering and enforcing on-site sewage disposal system regulations to issue civil penalties for violations of those regulations. The authorization is under the same limitations and requirements imposed on the Washington Department of Health under the large on-site sewage system statute's civil penalty provisions.

Summary of Bill: Local health officers may issue civil penalties to every person who violates local on-site sewage disposal system laws or rules. Every violation is a separate and distinct offense. In case of continuing violations, each day's continuing violation is a separate and distinct violation.

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.

Penalties must reflect the significance of the violation, the previous record of compliance, and are not to exceed \$1,000 a day per violation. Penalties must be imposed by a notice in writing to the person against whom the civil penalty is assessed and must describe the violation. Penalties are due 28 days after receipt of notice unless application for an appeal is filed. Appeals are heard through the local health jurisdiction's administrative appeals process. Penalties imposed by final administrative order are due upon service of the final administrative order.

A person who institutes proceedings for judicial review of a final administrative order must place the full amount of the penalty in an interest-bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court may: enter a judgment on behalf of the department; order that the judgment be satisfied to the extent possible from monies paid into the registry of the court; or enter a judgment in favor of the person appealing the penalty and order the return of monies paid into the registry of the court with accrued interest. The judgment may award reasonable attorney fees for the cost of representation.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.