

SENATE BILL REPORT

ESB 6868

As Passed Senate, February 14, 2008

Title: An act relating to protecting sole source aquifers by providing sewer utility service to mobile home parks.

Brief Description: Protecting sole source aquifers by providing sewer utility service to mobile home parks.

Sponsors: Senators Brown and Marr.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/05/08, 2/06/08 [DP, DNP].
Passed Senate: 2/14/08, 32-16.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

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

Minority Report: Do not pass.

Signed by Senators Murray, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Holmquist and Morton.

Staff: Scott Boettcher (786-7416)

Background: Cities, towns, or counties can not require mobile home parks on septic systems to connect to local sewer systems unless a local board of health makes a determination that a mobile home park's septic system is failing. Failing septic systems can impact public health, groundwater, and drinking water supplies.

Drinking water supplies are protected, planned for, and regulated through a mix of local, state, and federal statutes including: State Public Water Systems Act; State Water Pollution Control Act; State Public Water System Coordination Act; State Growth Management Act; State Underground Injection Control Program; Federal Clean Water Act; and federal Safe Drinking Water Act (SDWA).

Under the SDWA, the U.S. Environmental Protection Agency is authorized to designate "sole source aquifers." Sole source aquifers are ground water areas that supply at least 50 percent of the drinking water consumed in the area overlying the aquifer. Sole source aquifers also have no alternative drinking water source which could physically, legally, and economically

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supply all those who depend upon the aquifer for drinking water. There are eleven sole source aquifers designated in Washington.

Summary of Engrossed Bill: Counties east of the Cascade Crest with a population of 400,000 people or more, and cities within those counties, may require mobile home parks to connect to local sewer systems when the county legislative authority determines: (1) the mobile home park lies above a federally designated sole source aquifer; (2) a sewer system is available for connection by the mobile home park; (3) replacement of on-site septic systems is necessary to protect drinking water supplies; and (4) the cost of connecting is reasonable and comparable to the costs of connecting for single-family residences. A county or city requiring a mobile home park to connect to a local sewer system should identify financial assistance programs for that mobile home park.

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: PRO: Ground water is a critical source of drinking water. This is especially true in the case of sole source aquifers. Spokane River's total maximum daily load analysis (TMDL) includes a septic system elimination program to address phosphorous. State and local governments have been working to eliminate septic for a number of years. Septics can contribute phosphorous loadings. Ecology provides \$5 million a year to Spokane County for septic tank elimination. SB 6868 is about environmental protection, protecting water quality, and looking ahead proactively before there is a problem (i.e., a failure above a critical aquifer).

CON: Working septics don't need replaced. Mobile home communities provide affordable housing. Requiring all septics, including working septics, to connect would make mobile homes less affordable. Mobile home communities have to pay the costs of infrastructure installation themselves as they are private entities. These costs would have to be spread among community members in addition to the local sewer rates and fees that would have to be paid. This bill overturns prior septic bills from 1998 and 2003. Existing law is sufficient, and does provide local health departments with the authority to require failing systems to connect. Existing law says failing septics have to hook-up. This bill could require all septics to hook-up, failing or not.

Persons Testifying: PRO: Senator Lisa Brown, prime sponsor; Melody Selby, Washington State Department of Ecology; Mike Burgess, Representing Spokane County; Ed Thorpe, Coalition for Clean Water.

CON: Walt Olsen, Olsen Law Firm PLLC; John Woodring, Manufactured Home Communities of Washington.