

# SENATE BILL REPORT

## SB 5699

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As of February 16, 2011

**Title:** An act relating to on-site sewage proprietary treatment products.

**Brief Description:** Concerning on-site sewage proprietary treatment products.

**Sponsors:** Senators Roach, Rockefeller, Stevens, Swecker and Holmquist Newbry.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/15/11.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Jan Odano (786-7486)

**Background:** On-site septic systems or on-site sewage systems are the most common methods of wastewater treatment for homes, commercial establishments, and other places that are not connected to a public sewer system. An on-site sewage system consists of a network of pipes, a septic tank, and a drainfield, and provides subsurface soil treatment and dispersal of sewage. Properly functioning on-site sewage systems protect public health and the environment by preventing untreated wastewater from coming into contact with people, ground, or surface water.

A proprietary product is defined as a sewage treatment and distribution technology, method, or material subject to a patent or trademark. This includes products such as aerobic treatment systems and packed bed filters. Public domain technologies are not subject to patent or trademark and include gravel and pressure distribution methods. Proprietary treatment product components of an on-site sewage system are typically used to treat sewage effluent where the soil alone is insufficient. The on-site sewage system still relies on the soil for dispersing the treated wastewater.

The State Board of Health (SBOH) adopts rules for on-site sewage systems establishing minimum requirements for implementation and enforcement by the state Department of Health and local health jurisdictions. The department is required to apply the on-site sewage rules for the registration of proprietary treatment products and distribution products.

Manufacturers must register their proprietary treatment products with the department before a local health officer may allow its use. Manufacturers must verify product performance

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testing, report test results, and demonstrate product performance to qualify for product registration. The department reviews proprietary treatment products using manufacturer provided information to determine if the product meets or exceeds performance testing requirements. Products must be tested to meet the criteria of National Sanitation Foundation (NSF), American National Standards Institute (ANSI), and U.S. Environmental Protection Agency protocols. The department lists approved products by ability to treat effluent. Only products listed by the department may be installed for use for on-site sewage systems.

**Summary of Bill:** The rules for on-site sewage systems adopted by SBOH must require on-site sewage proprietary treatment products to be certified by a third-party certification organization. The third-party certification organization must be accredited to an international laboratory and conformity assessment standards for on-site sewage proprietary treatment products, with systems that are in compliance with U.S. national standards or protocols. No additional protocols or requirements may be placed on on-site sewage proprietary treatment products.

A proprietary treatment product is defined as a sewage treatment and distribution technology, method or material subject to patent or trademark that is certified by a third-party certification body accredited to international laboratory standards and conformity assessment standards for on-site sewage proprietary treatment products.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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