

SENATE BILL REPORT

SSB 6116

As Amended by House, March 1, 2012

Title: An act relating to on-site sewage program management plans.

Brief Description: Concerning on-site sewage program management plans.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Fraser, Swecker, Pridemore, Ranker and Murray).

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/19/12, 1/26/12 [DPS].

Passed Senate: 2/08/12, 48-0.

Passed House: 3/01/12, 55-41.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6116 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

Staff: Karen Epps (786-7424)

Background: The Washington State Board of Health (BOH) has authority to adopt rules for the design, construction, installation, operation and maintenance of on-site sewage (OSS) system with design flows of less than 3,500 gallons per day. The BOH rules require property owners to complete an evaluation of their OSS system once every three years for gravity drain field systems and annually for all other types of systems.

Local boards of health must identify failing septic tank drain fields. A local board of health may adopt more restrictive standards for OSS systems than adopted by the BOH. A local board of health may grant a waiver from specific requirements adopted by the BOH for OSS systems if the local board of health determines that the waiver is consistent with the BOH 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.

OSS systems located in marine recovery areas designated by the Washington State Department of Health (Department) or a local board of health are subject to enhanced OSS system regulations including inspections, inventory and identification, and monitoring to ensure protection of public health and Puget Sound water quality. The local boards of health in 12 Puget Sound counties must develop an OSS system management plan specifically to address shellfish growing areas and degraded marine water quality. The Department approves each county's marine recovery area management plan.

Summary of Substitute Bill: A local board of health may impose reasonable rates and charges only in an amount sufficient to pay for the actual costs of administration and operation of the plan. A local board of health may contract with the county treasurer to collect the rates and charges through notice on property tax statements. A local board of health does not have the authority to impose a lien on real property for failure to pay these rates and charges.

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 on Original Bill: PRO: This bill provides some efficiency and the ability for local boards of health to streamline the process by which they charge fees for implementing the work that is being done. This bill clearly establishes that a local board of health can adopt rates and charges to implement the OSS system management plan. The plan includes inventorying OSS systems, identifying failures, education and outreach efforts, and maintaining data systems to track that maintenance is being completed. This bill allows the local boards of health to use the property tax billing process for an efficient and effective way to collect rates and charges. There are about 900,000 OSS systems throughout the state, about 500,000 of them are in the Puget Sound area, with about 60,000 of them in the marine recovery areas. All 12 Puget Sound counties have implemented and adopted their system management plans. The cost of implementing these plans is about \$9 million for the biennium. The counties are raising the bulk of these funds locally. This bill provides local boards of health with a tool to collect rates and charges as simply and cheaply as possible.

Persons Testifying: PRO: Brad Banks, WA State Assn. of Local Public Health Officials; Jerrod Davis, WA State Dept. of Health; Art Starry, Thurston County Public Health.

House Amendment(s):

- Specifies that a local board of health in the 12 counties bordering Puget Sound currently implementing an on-site sewage program management plan may impose and collect reasonable rates or charges to pay for the actual cost of administration and operation of the on-site sewage management plan and contract with the county treasurer to collect the rates or charges imposed.

- Provides that a local board of health does not have the authority to impose a lien on real property for failure to pay rates and charges imposed.
- Establishes that a local board of health may not impose and collect rates and charges related to the implementation of an on-site sewage program management plan beyond the powers currently vested in a local board of health to establish fee schedules for issuing or renewing licenses or permits, or for other activities authorized by the law and rules of the state board of health.