

2SHB 1715 - H AMD 251

By Representative Peterson

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds there are an
4 estimated six hundred thousand on-site sewage systems in the Puget
5 Sound area. These systems are a critical part of the region's
6 wastewater treatment infrastructure.

7 (2) On-site sewage systems are an effective method of treating
8 wastewater, but need appropriate operation and maintenance to
9 adequately treat wastewater. Failing systems contribute to pollution
10 of Puget Sound and other regional waters and can pose a threat to
11 human health.

12 (3) The Puget Sound septic finance advisory committee reports
13 that on-site sewage management programs need added emphasis on
14 minimum program requirements to help ensure more consistent
15 implementation across the region.

16 (4) An on-site sewage system charge should serve as the
17 sustainable revenue source for the region's on-site sewage management
18 plans and should be established in each county to fit efficiently
19 with other existing revenue sources to avoid duplicate charges for
20 on-site sewage services.

21 (5) Because homeowners bear the cost of repairing and replacing
22 their systems when they break down, an accessible, unified, self-
23 sustaining low-interest loan program to help owners address failing
24 systems would benefit the entire region.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.71
26 RCW to read as follows:

27 (1)(a) The partnership must adopt, consistent with this section,
28 recommended elements for local governments to consider when
29 developing or updating on-site program management plans under RCW
30 70.118A.030 for on-site sewage systems. The recommended elements must
31 be tailored to ensure compliance with the action agenda and enhance
32 the recovery of Puget Sound and must include measurable outcomes for
33 counties to achieve, such as:

1 (i) Inventorying all on-site septic systems in marine recovery
2 areas, as that term is defined in RCW 70.118A.020;

3 (ii) Being current with inspections for at least ninety-five
4 percent of on-site septic systems in a given jurisdiction; and

5 (iii) Compliance with best practices, common performance
6 standards, and recommended approaches to improve core functions of
7 local operation and maintenance programs developed by the department
8 of health.

9 (b) In developing proposals for recommended elements under this
10 section, the partnership must rely on the expertise and staff of the
11 department of health. The department of health must, pursuant to
12 section 3 of this act and in consultation with the board, generate
13 proposals for recommended elements that satisfy the intent of this
14 section. Once proposals are generated by the department of health,
15 the council is responsible for evaluating the proposals in the
16 context of Puget Sound recovery and adopting the final recommended
17 elements.

18 (2) The recommended elements developed by the department of
19 health and adopted by the partnership under this section must be in
20 addition to the minimum on-site program management plan requirements
21 identified in RCW 70.118A.070.

22 (3) The recommended elements developed by the department of
23 health and adopted by the partnership under this section may be
24 developed as uniform elements for the entire Puget Sound basin or be
25 tailored for individual counties or for the groupings of counties
26 within each action area identified in RCW 90.71.260.

27 (4) A county is not required to adopt or implement the
28 recommended elements adopted by the partnership under this section.
29 However, any county that does adopt and implement the recommended
30 elements must be designated a Puget Sound partner and is entitled to
31 the benefits of being a Puget Sound partner.

32 (5) The department of health and the partnership, in developing
33 and adopting recommended elements under this section, may not include
34 a requirement that a county collect an annual charge or rate on
35 individual on-site sewage systems as authorized under RCW 70.05.190.
36 However, a county's authority to do so may be considered when
37 developing the recommended elements.

38 (6) The partnership may not change the recommended elements
39 adopted under this section more than once every five years.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118A
2 RCW to read as follows:

3 The department must provide expertise to the Puget Sound
4 partnership and, when requested and consistent with section 2 of this
5 act, develop proposals for optional recommended elements for local
6 governments to consider when developing or updating on-site program
7 management plans under RCW 70.118A.030 that are in addition to the
8 minimum on-site program management plan requirements identified in
9 RCW 70.118A.070.

10 **Sec. 4.** RCW 70.05.190 and 2012 c 175 s 1 are each amended to
11 read as follows:

12 (1) ~~((A))~~ Except as provided in this section, the local board of
13 health in the twelve counties bordering Puget Sound may collect an
14 annual charge or a rate for each on-site sewage system located in the
15 basin of the Puget Sound, as that term is defined in RCW 90.71.010,
16 for the purpose of implementing ~~((an))~~ the on-site sewage program
17 management plan ~~((may~~

18 ~~(a) Impose and collect reasonable rates or charges in an amount~~
19 ~~sufficient to pay for the actual costs of administration and~~
20 ~~operation of the on-site sewage program management plan; and~~

21 ~~(b))~~ required under chapter 70.118A RCW.

22 (2) A local board of health may collect the charge or rate
23 imposed under this section in areas of a county located outside the
24 Puget Sound basin if a portion of the county is within the Puget
25 Sound basin.

26 (3) A local board of health may contract with the county
27 treasurer to collect the ~~((rates or charges imposed))~~ charge or rate
28 authorized under this section in accordance with RCW 84.56.035.

29 ~~((+2))~~ (4) A local board of health may not collect the charge or
30 rate authorized under this section from a person who is exempt from
31 paying property taxes under RCW 84.36.381.

32 (5) In executing the provisions in subsection (1) of this
33 section, a local board of health does not have the authority to
34 impose a lien on real property for failure to pay ~~((rates and charges~~
35 imposed)) the charge and rates authorized by this section.

36 ~~((+3) Nothing in this section provides a local board of health~~
37 ~~with the ability to impose and collect rates and charges related to~~
38 ~~the implementation of an on-site sewage program management plan~~
39 ~~beyond those powers currently designated under RCW 70.05.060(7).))~~

1 (6) County legislative authorities may use multiple revenue
2 sources to finance activities and services that address overlapping
3 nonpoint pollution needs, such as water quality monitoring or
4 pollution identification and correction.

5 **Sec. 5.** RCW 70.118A.030 and 2006 c 18 s 3 are each amended to
6 read as follows:

7 ~~((By July 1, 2007,))~~ (1) The local health officers of health
8 jurisdictions in the twelve counties bordering Puget Sound shall
9 develop a written on-site program management plan to provide guidance
10 to the local health jurisdiction.

11 (2) Local health officers must update on-site program management
12 plans and submit the plans to the department for review under RCW
13 70.118A.070 at least once every five years to implement local
14 priorities and program requirements and standards identified in this
15 chapter and chapter 246-272A WAC.

16 **Sec. 6.** RCW 70.118A.070 and 2006 c 18 s 7 are each amended to
17 read as follows:

18 (1) The on-site program management plans of local health
19 jurisdictions required under RCW 70.118A.030 must be submitted to the
20 department ~~((by July 1, 2007,))~~ and be reviewed to determine if they
21 ~~((contain all necessary elements. The department shall provide in~~
22 ~~writing to the local board of health its review of the completeness~~
23 ~~of the plan))~~ fulfill the minimum on-site program management plan
24 requirements and standards established by the board by rule. The
25 board may adopt additional criteria by rule for approving on-site
26 program management plans((-)); however, any additional criteria may
27 not take effect until one year after it is adopted.

28 (2) In reviewing the on-site ~~((strategy component of the))~~
29 program management plan, the department shall ensure that all
30 required elements, including designation of any marine recovery area,
31 have been addressed.

32 (3) Within ~~((thirty))~~ sixty days of receiving an on-site
33 ~~((strategy))~~ program management plan, the department shall either
34 approve the on-site ~~((strategy))~~ program management plan or provide
35 in writing the reasons for not approving the ~~((strategy))~~ on-site
36 program management plan and recommend changes. If the department does
37 not approve the on-site ~~((strategy))~~ program management plan, the

1 local health officer must amend and resubmit the on-site program
2 management plan to the department for approval.

3 (4) Upon receipt of department approval or after ((thirty)) sixty
4 days without notification, whichever comes first, the local health
5 officer shall implement the on-site ((strategy)) program management
6 plan.

7 (5) If the department denies approval of an on-site ((strategy))
8 program management plan, the local health officer may appeal the
9 denial to the board. The board must make a final determination
10 concerning the denial.

11 (6) The department shall assist local health jurisdictions in:

12 (a) Developing written on-site program management plans required
13 by RCW 70.118A.030;

14 (b) Identifying reasonable methods for finding unknown systems;
15 and

16 (c) Developing or enhancing electronic data systems that will
17 enable each local health jurisdiction to actively manage all on-site
18 sewage ((disposal)) systems within their jurisdictions, with priority
19 given to those on-site sewage ((disposal)) systems that are located
20 in or which could affect designated marine recovery areas.

21 NEW SECTION. Sec. 7. A new section is added to chapter 70.118A
22 RCW to read as follows:

23 To assist homeowners with the repair and replacement of on-site
24 sewage systems, the department and counties may consult with the
25 department of ecology to capitalize and administer a sustainable
26 unified low-interest loan program through the department of ecology's
27 water quality financial assistance program.

28 **Sec. 8.** RCW 70.118A.080 and 2006 c 18 s 8 are each amended to
29 read as follows:

30 (1) The department shall enter into a contract with each local
31 health jurisdiction subject to the requirements of this chapter to
32 implement plans developed under this chapter, and to develop or
33 enhance electronic data systems required by this chapter. The
34 contract must include state funding assistance to the local health
35 jurisdiction from funds appropriated to the department for this
36 purpose.

37 (2) The contract must require, at a minimum, that within a marine
38 recovery area, the local health jurisdiction:

- 1 (a) Show progressive improvement in finding failing systems;
- 2 (b) Show progressive improvement in working with on-site sewage
3 disposal system owners to make needed system repairs;
- 4 (c) Is actively taking steps to find previously unknown systems
5 and ensuring that they are inspected as required and repaired if
6 necessary;
- 7 (d) Show progressive improvement in the percentage of on-site
8 sewage disposal systems that are included in an electronic data
9 system; and
- 10 (e) Of those on-site sewage disposal systems in the electronic
11 data system, show progressive improvement in the percentage that have
12 had required inspections.
- 13 (3) The contract must also include provisions for state
14 assistance in updating the plan. (~~Beginning July 1, 2012,~~) The
15 contract may adopt revised compliance dates, including those in RCW
16 70.118A.050, where the local health jurisdiction has demonstrated
17 substantial progress in updating the on-site strategy.
- 18 (4) ~~The department (shall convene a work group for the purpose~~
19 ~~of making recommendations to the appropriate committees of the~~
20 ~~legislature for the development of certification or licensing of~~
21 ~~maintenance specialists. The work group shall make its recommendation~~
22 ~~with consideration given to the 1998 report to the legislature~~
23 ~~entitled "On-Site Wastewater Certification Work Group" as it pertains~~
24 ~~to maintenance specialists. The work group may give priority to~~
25 ~~appropriate levels of certification or licensure of maintenance~~
26 ~~specialists who work in the Puget Sound basin)) must require, as part
27 of the contract, updates on the progress of identifying failing
28 systems as provided in subsection (2)(a) of this section and make
29 available to the public, on a regular basis, Puget Sound basin-wide
30 progress in identifying failing systems.~~
- 31 (5) The department must report any instances of a county failing
32 to fulfill its obligations under a contract entered into under this
33 section to the Puget Sound partnership for consideration under RCW
34 90.71.350.

35 **Sec. 9.** RCW 90.71.350 and 2007 c 341 s 17 are each amended to
36 read as follows:

- 37 (1) The council is accountable for achieving the action agenda.
38 The legislature intends that all governmental entities within Puget

1 Sound will exercise their existing authorities to implement the
2 applicable provisions of the action agenda.

3 (2) The partnership shall involve the public and implementing
4 entities to develop standards and processes by which the partnership
5 will determine whether implementing entities are taking actions
6 consistent with the action agenda and achieving the outcomes
7 identified in the action agenda. Among these measures, the council
8 may hold management conferences with implementing entities to review
9 and assess performance in undertaking implementation strategies with
10 a particular focus on compliance with and enforcement of existing
11 laws. Where the council identifies an inconsistency with the action
12 agenda, the council shall offer support and assistance to the entity
13 with the objective of remedying the inconsistency. The results of the
14 conferences shall be included in the state of the Sound report
15 required under RCW 90.71.370.

16 (3)(a) In the event the council determines that an entity is in
17 substantial noncompliance with the action agenda, it shall provide
18 notice of this finding and supporting information to the entity. The
19 council or executive director shall thereafter meet and confer with
20 the entity to discuss the finding and, if appropriate, develop a
21 corrective action plan.

22 (b) If no agreement is reached, the council shall hold a public
23 meeting to present its findings and the proposed corrective action
24 plan. If the entity is a state agency, the meeting shall include
25 representatives of the governor's office and office of financial
26 management. If the entity is a local government, the meeting shall be
27 held in the jurisdiction and electoral representatives from the
28 jurisdictions shall be invited to attend.

29 (c) If, after ~~((this))~~ the process outlined in this section, the
30 council finds that substantial noncompliance continues, the council
31 shall issue written findings and document its conclusions. The
32 council may recommend to the governor that the entity be ineligible
33 for state financial assistance until the substantial noncompliance is
34 remedied.

35 (d) Any county that is not fulfilling the minimum requirements of
36 chapter 70.118A RCW, including compliance with the minimum contract
37 requirements provided in RCW 70.118A.080, must be found to be in
38 substantial noncompliance under this section.

39 (e) All instances of noncompliance shall be included in the state
40 of the Sound report required under RCW 90.71.370.

1 (4) The council shall provide a forum for addressing and
2 resolving problems, conflicts, or a substantial lack of progress in a
3 specific area that it has identified in the implementation of the
4 action agenda, or that citizens or implementing entities bring to the
5 council. The council may use conflict resolution mechanisms such as,
6 but not limited to, technical and financial assistance, facilitated
7 discussions, and mediation to resolve the conflict. Where the parties
8 and the council are unable to resolve the conflict, and the conflict
9 significantly impairs the implementation of the action agenda, the
10 council shall provide its analysis of the conflict and
11 recommendations resolution to the governor, the legislature, and to
12 those entities with jurisdictional authority to resolve the conflict.

13 (5) When the council or an implementing entity identifies a
14 statute, rule, ordinance, or policy that conflicts with or is an
15 impediment to the implementation of the action agenda, or identifies
16 a deficiency in existing statutory authority to accomplish an element
17 of the action agenda, the council shall review the matter with the
18 implementing entities involved. The council shall evaluate the merits
19 of the conflict, impediment, or deficiency, and make recommendations
20 to the legislature, governor, agency, local government, or other
21 appropriate entity for addressing and resolving the conflict.

22 (6) The council may make recommendations to the governor and
23 appropriate committees of the senate and house of representatives for
24 local or state administrative or legislative actions to address
25 barriers it has identified to successfully implementing the action
26 agenda.

27 **Sec. 10.** RCW 90.71.340 and 2007 c 341 s 16 are each amended to
28 read as follows:

29 (1) The legislature intends that fiscal incentives and
30 disincentives be used as accountability measures designed to achieve
31 consistency with the action agenda by:

32 (a) Ensuring that projects and activities in conflict with the
33 action agenda are not funded;

34 (b) Aligning environmental investments with strategic priorities
35 of the action agenda; and

36 (c) Using state grant and loan programs to encourage consistency
37 with the action agenda.

38 (2) The council shall adopt measures to ensure that funds
39 appropriated for implementation of the action agenda and identified

1 by proviso or specifically referenced in the omnibus appropriations
2 act pursuant to RCW 43.88.030(1)(g) are expended in a manner that
3 will achieve the intended results. In developing such performance
4 measures, the council shall establish criteria for the expenditure of
5 the funds consistent with the responsibilities and timelines under
6 the action agenda, and require reporting and tracking of funds
7 expended. The council may adopt other measures, such as requiring
8 interagency agreements regarding the expenditure of provided or
9 specifically referenced Puget Sound funds.

10 (3) The partnership shall work with other state agencies
11 providing grant and loan funds or other financial assistance for
12 projects and activities that impact the health of the Puget Sound
13 ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105,
14 79A.15, 89.08, and 90.50A RCW to, within the authorities of the
15 programs, develop consistent funding criteria that prohibits funding
16 projects and activities that are in conflict with the action agenda.

17 (4)(a) The partnership shall develop a process and criteria by
18 which entities that consistently achieve outstanding progress in
19 implementing the action agenda are designated as Puget Sound
20 partners.

21 (b) State agencies shall work with the partnership to revise
22 their grant, loan, or other financial assistance allocation criteria
23 to create a preference for entities designated as Puget Sound
24 partners for funds allocated to the Puget Sound basin, pursuant to
25 RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150,
26 79A.15.040, 89.08.520, and 90.50A.040. This process shall be
27 developed on a timeline that takes into consideration state grant and
28 loan funding cycles.

29 (c) In addition to any other process or criteria developed by the
30 partnership for Puget Sound partner status, any county that develops
31 and implements an on-site program management plan under RCW
32 70.118A.030 that includes the recommended elements identified under
33 section 2 of this act must be considered a Puget Sound partner.

34 (5) Any entity that receives state funds to implement actions
35 required in the action agenda shall report biennially to the council
36 on progress in completing the action and whether expected results
37 have been achieved within the time frames specified in the action
38 agenda.

1 **Sec. 11.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to
2 read as follows:

3 (1) Each local board of health shall have supervision over all
4 matters pertaining to the preservation of the life and health of the
5 people within its jurisdiction and shall:

6 ~~((+1))~~ (a) Enforce through the local health officer or the
7 administrative officer appointed under RCW 70.05.040, if any, the
8 public health statutes of the state and rules promulgated by the
9 state board of health and the secretary of health;

10 ~~((+2))~~ (b) Supervise the maintenance of all health and sanitary
11 measures for the protection of the public health within its
12 jurisdiction;

13 ~~((+3))~~ (c) Enact such local rules and regulations as are
14 necessary in order to preserve, promote and improve the public health
15 and provide for the enforcement thereof;

16 ~~((+4))~~ (d) Provide for the control and prevention of any
17 dangerous, contagious or infectious disease within the jurisdiction
18 of the local health department;

19 ~~((+5))~~ (e) Provide for the prevention, control and abatement of
20 nuisances detrimental to the public health;

21 ~~((+6))~~ (f) Make such reports to the state board of health
22 through the local health officer or the administrative officer as the
23 state board of health may require; and

24 ~~((+7))~~ (2) Each local board of health may also establish fee
25 schedules for issuing or renewing licenses or permits or for such
26 other services as are authorized by the law and the rules of the
27 state board of health(~~:- PROVIDED, That such~~); however, other than
28 fees established under RCW 70.05.190, the fees for services shall not
29 exceed the actual cost of providing any such services.

30 NEW SECTION. **Sec. 12.** (1) The Puget Sound partnership must
31 formally adopt the initial recommended elements for local governments
32 to consider when developing or updating on-site program management
33 plans, as required by section 2 of this act, by no later than March
34 31, 2016.

35 (2) All on-site program management plans must, consistent with
36 RCW 70.118A.030, be initially updated by local health officers of
37 health jurisdictions, as those terms are defined in RCW 70.118A.020,
38 and submitted to the department of health for review and approval by
39 July 1, 2016.

1 (3) This section expires July 1, 2017."

2 Correct the title.

EFFECT: Requires the Puget Sound Partnership to adopt, with the assistance of the Department of Health, recommended elements for local on-site septic management plans that are beyond the minimum requirements established by the Department of Health, designates counties that choose to adopt the minimum elements as Puget Sound Partners and qualifies them for the existing grant preferences given to Puget Sound Partners, clarifies that only counties in the Puget Sound Basin may assess any rate or charge for a septic system, requires the Department of Health to track and report success in identifying failing septic systems in the Puget Sound Basin, designates counties that fail to implement the minimum requirements for on-site septic systems as being in noncompliance with the Puget Sound Partnership's action agenda, makes technical and reorganization changes.

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