
Local Government Committee

HB 1102

Brief Description: Concerning a local government installing a public sewage system within the public right-of-way under certain circumstances.

Sponsors: Representatives Takko, Reykdal and Buys.

Brief Summary of Bill

- Requires a local government to install a sewer system within a public right-of-way to extend service to a property owner if a health officer denies an application for an on-site sewage system for an existing single-family residence.
- Limits this requirement to denials that would have been approved except for laws, regulations, and ordinances requiring connection to a public sewer system.
- Requires the local health officer to approve the on-site sewage system permit if the local government does not install a sewer system within a public right-of-way.

Hearing Date: 1/15/15, 1/22/15

Staff: Ethan Moreno (786-7386).

Background:

Local Health Officers/Review of On-Site Sewage System Permits.

Local health officers (health officers), acting under the direction of a local board of health or an administrative officer of a local board of health are obligated, in part, to:

- enforce the state's public health statutes, and adopted rules of the Washington State Board of Health (Board of Health or Board) and the Secretary of Health;
- supervise the maintenance of all health and sanitary measures for the protection of health within their jurisdiction; and
- enact local rules and regulations to preserve, promote, and improve public health, and to provide corresponding enforcement.

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.

Statutes governing "on-site sewage disposal systems" define the term as any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user where the system is not connected to a public sewer system.

Health officers, in addition to the obligations listed previously, are tasked with making determinations on permit applications for on-site sewage systems. If the health officer denies an application to install an on-site sewage system, the denial must be for cause and based upon public health and environmental protection concerns, including concerns related to the ability to operate and maintain the system, or conflicts with other state or local requirements. In the event of a denial, the health officer must provide the applicant with a written justification for the denial, along with an explanation of the procedure for appeal. Although health officers are obligated to enforce Board of Health requirements for on-site sewage systems, they may grant a waiver from specific Board requirements for on-site sewage systems.

Counties and Cities - Sanitary Sewer Systems.

Counties and cities have broad authority to construct, operate, maintain, and regulate sanitary sewer systems within all or part of their jurisdictions. Cities and towns are also authorized, subject to certain limits, to extend sewer services beyond their corporate limits.

Mandatory Connections to Public Sanitary Sewer Systems.

If adequate public sewer services are available within 200 feet of the residence or facility, the health officer, upon the failure of an existing on-site sewage system may require connection to a public sewer system. If a conforming system can be designed and installed, the health officer may also permit the repair or replacement of the on-site sewage system.

The owner of a residence or other facility served by an on-site sewer system may also be required to connect to a public sewer system when:

- connection is deemed necessary to protect public health by the local health officer;
- an adequate public sewer becomes available within 200 feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
- the sewer utility allows the sewer connection.

Additionally, local boards of health may require a new development to connect to a public sewer system to protect public health. Local boards of health must require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations of the county or city.

Summary of Bill:

If the local health officer denies an application to install an on-site sewage system for an existing single-family residence that would be otherwise approved except for a law, regulation, or ordinance requiring connection to a public sewer system, the local government must install a sewer system within any public right-of-way in order to extend service to the property owner. The property owner of the existing single-family residence is only responsible for the cost of improvements on his or her property and sewer connection fees required to connect to the public sewer system. If the local government does not install a sewer system within the public right-of-way, the local health officer must issue an on-site sewage system permit.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.