
Environment Committee

HB 2527

Brief Description: Ensuring the ongoing viability of safe on-site sewage systems as a component of statewide sewage management through the implementation of on-site program management plans.

Sponsors: Representatives Peterson, Goodman and Fitzgibbon.

Brief Summary of Bill

- Provides the authority for the Department of Health (DOH) to capitalize and administer a low-interest loan program to assist homeowners with the repair and replacement of on-site sewage systems.
- Requires the local health jurisdictions in the 12 counties bordering Puget Sound that were required to develop written on-site program management plans in 2007 to submit updated versions of those plans for approval by the DOH at least once every five years.
- Specifically requests that the DOH consider how a county will fund its on-site program management plan before giving approval.
- Provides grant preferences for counties operating under an approved on-site program management plan.
- Creates a definition of an unsafe septic system.

Hearing Date: 1/18/16

Staff: Jason Callahan (786-7117).

Background:

County on-site program management plans.

The local health officers of the 12 counties that border the Puget Sound were required in 2007 to submit management plans for their on-site sewage system programs. These plans were intended

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to provide guidance to local health jurisdictions. As part of the management plan, the local health officers were required to propose marine recovery areas where on-site systems were a significant contributing factor to concerns associated with shellfish growing, marine waters with low-dissolved oxygen or fecal coliform, and waters where nitrogen is a contaminant.

The 12 Puget Sound counties were required to have their plans approved by the Department of Health (DOH). The DOH had 30 days to approve the plans and determine if all necessary elements were satisfied, including the designation of marine recovery areas. Any denials of a plan were appealable to the State Board of Health.

County-based septic system charges.

The local board of health for each of the 12 Puget Sound counties are expressly authorized to assess a local charge or rate in an amount sufficient to pay for the actual costs of administering and operating the on-site system plans approved by the DOH. No local charge is required; however, if assessed, the charge may be collected by the county treasurer in the same manner as property taxes.

Puget Sound Partnership.

The Puget Sound Partnership (PSP) is a state agency generally responsible for coordinating the recovery of Puget Sound. Among their duties is the responsibility to develop and maintain the Action Agenda, which is the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem.

There is a statutory expectation that all governmental entities within the Puget Sound basin will exercise their existing authorities to implement the Action Agenda. The PSP may find an entity to be in substantial noncompliance with the Action Agenda. In this case, the PSP must notify the entity of its noncompliance, and if applicable, develop a corrective action plan. If there is still noncompliance after a corrective action plan is developed, the PSP may, after an opportunity for a hearing, recommend to the Governor that the entity be made ineligible for state financial assistance.

The PSP may also designate entities that have demonstrated consistent outstanding progress in implementing the Action Agenda as Puget Sound Partners. State agencies that implement a variety of grant programs are required to give a granting preference to entities that earn the title of Puget Sound Partner. These grant programs include the projects funded by the Public Works Board, the Model Toxics Control Account, the Department of Ecology for water pollution control facilities, the Salmon Recovery Funding Board, the Department of Natural Resources from the Aquatic Land Enhancement Account, the Recreation and Conservation Funding Board from the Habitat Conservation Account, the Conservation Commission for water quality and habitat protection grants, and the Water Pollution Control Facilities Revolving Fund.

Summary of Bill:

County on-site program management plans.

The local health jurisdictions in the 12 counties bordering Puget Sound that were required to develop written on-site program management plans to the DOH in 2007 are required to submit updated versions of those plans for approval at least once every five years. The updates must reflect plans to implement local priorities, program requirements, and program standards. The DOH may adopt updated schedules different from the 5-year standard schedule as it sees fit.

The DOH must review all submitted plans to determine if they are adequate to protect public safety and if they fulfill the minimum plan requirements. For the DOH to approve a plan, it must ensure that the plans preserve public safety in the operation of septic systems, and that the local health jurisdiction submitting the plan has presented a sufficient, reliable, and reasonable strategy for funding the plan's implementation. The review of the funding strategy must be considered in the context of the county's overall public health program and the funding strategy's likelihood to diminish other local public health priorities. The timeline for the DOH to review and approve submitted plans is increased from 30 days to 60 days.

A county located anywhere in the state that is operating under an approved plan must be considered a Puget Sound Partner by the PSP and given the statutory benefits that partner status provides. This includes priority status in all connected grant programs. The Puget Sound Partner status applies automatically as long as the county continues to implement the approved plan. The PSP is not required to take any affirmative action for the status to apply, and is not required to develop any standards or protocols related to the Puget Sound Partner program.

A Puget Sound county that fails to achieve approval of its plan, or that fails to fund implementation of the plan, must be reported by the DOH to the PSP. A reported county must be found by the PSP to be in partial substantial noncompliance with the relevant portions of the Action Agenda related to on-site systems.

Public safety element of on-site systems.

A new definition is created for the term "unsafe systems." This definition includes systems that threaten public safety by creating conditions that could lead to personal injury or death due to malfunctioning or missing components. Work towards identifying or correcting unsafe systems must be demonstrated in any contracts among the DOH and local health jurisdictions to assist in addressing recovery areas, and must be a focus in strategies. This includes a requirement that on-site system maintenance professionals report instances of unsafe systems within a marine recovery area to their local health office.

The DOH is required to assist local health jurisdictions in the development of best practices for ensuring the safe operation of on-site systems. This includes best practices in the design and maintenance of risers and lids.

County-based septic system charges.

The discretion as to whether or not a local board of health within the Puget Sound basin assesses an annual charge for on-site systems is maintained; however, for those counties that do assess a charge, additional specification around the collection of that charge is provided.

Specific authority is provided for a county to collect a charge in areas of the county that are not part of the Puget Sound watershed. There is also a specific provision forbidding a county from collecting the charge from a person who is exempt from paying property taxes. Language is also included that expressly allows counties to use money from multiple sources, and not just the local charge, in addressing on-site system public safety needs.

On-site system loan program.

The DOH and any interested counties may partner with the Department of Ecology to capitalize and administer a low-interest loan program to assist homeowners with the repair and replacement of on-site systems. The partners to the program may use any appropriate funding for the program and mutually develop the program's administration in the efficient manner. This may include administering the program through the Department of Ecology's Water Quality Assistance Program. A county that is required to have an on-site plan approved by the DOH may not participate in the program if they are not operating under an approved plan.

Appropriation: None.

Fiscal Note: Requested on 1/13/16.

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