

SENATE BILL REPORT

HB 2010

As Reported by Senate Committee On:
Government Operations & Security, March 24, 2015

Title: An act relating to appeal procedures for single-family homeowners with failing septic systems required to connect to public sewer systems.

Brief Description: Creating appeal procedures for single-family homeowners with failing septic systems required to connect to public sewer systems.

Sponsors: Representatives Takko, Reykdal and Buys.

Brief History: Passed House: 3/10/15, 98-0.

Committee Activity: Government Operations & Security: 3/24/15 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; Dansel, Habib and McCoy.

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 28 counties and the cities within them that fully plan under GMA.

GMA defines urban governmental services or urban services to include, in part, storm and sanitary sewer systems, domestic water systems, fire and police protection services, and other public utilities associated with urban areas and normally not associated with rural areas. Cities, towns, and code cities provide water and sewer services both within and outside their corporate limits. Counties may provide water and sewer services to unincorporated areas of the county. Additionally, water-sewer districts may provide water and sewer services to incorporated and unincorporated areas.

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

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.

connected to a public sanitary sewer system. An on-site sewage system consists of a network of pipes, a septic tank, and a drain field, and provides subsurface soil treatment and dispersal of sewage.

Summary of Bill (Recommended Amendments): If a city, town, code city, or county (local jurisdiction) adopts or has adopted an ordinance or resolution requiring connection to a public sewer system upon the failure of an on-site septic system, the local jurisdiction must provide an administrative appeals process to consider denials of permit applications to repair or replace an existing and failing on-site septic system for a single-family residence. The appeals process applies to requests to repair or replace an existing and failing on-site septic system that would otherwise be approved, but were denied solely based on an ordinance or resolution requiring connection to a public sewer system. If the local jurisdiction has an existing administrative appeals process, the local jurisdiction may follow its existing process. The legislative body of the local jurisdiction or an administrative hearings officer must preside over the administrative appeals process.

The administrative appeals process must consider whether:

- it is cost-prohibitive to require the owner of a single-family residence with an existing and failing on-site septic system to connect to the public sewer system;
- there are public health or environmental considerations;
- there are public sewer system performance or financing considerations; and
- there are financial assistance programs or latecomer agreements offered by the city or town or by the state.

If the local jurisdiction, following any appeals process of the jurisdiction, determines that an owner of a single-family residence must connect to the public sewer system, the owner may select and hire contractors to perform the necessary work to connect to the public sewer system at the owner's expense.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & SECURITY COMMITTEE (Recommended Amendments): Specifies that if, following the appeals process required in the underlying bill, a city, town, or county requires a single-family residence to be connected to a public sewer system, the contractor connection work is subject to approval of appropriate permits. Makes nonsubstantive drafting changes.

Appropriation: None.

Fiscal Note: Available.

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 House Bill: PRO: This bill gives people who have failing septic systems on single family dwellings an alternative rather than forcing them to connect, through an expensive process, to a public sewer system. Someone with a failing septic system may be able to repair the system for a few thousand dollars, but it may cost tens of thousands of dollars to connect to the sewer system. This bill gives citizens a

reasonable way to appeal that requirement. It may make sense to fix the failing system. The concern is that citizens will be afraid to fix their failing system because they are afraid they will be forced to connect to the public sewer system at a large expense. This bill sets up an approach to address this issue that the business community, environmental community, and local governments are all on board with, and everyone is optimistic about the appeals process in the bill.

Persons Testifying: PRO: Representative Takko, prime sponsor; Tim Johnson, WA On-Site Sewage Assn.; Carl Schroeder, Assn. of WA Cities.

Persons Signed in to Testify But Not Testifying: No one.