

SENATE BILL REPORT

SB 5055

As of January 16, 2015

Title: An act relating to a local government installing a public sewage system within the public right-of-way under certain circumstances.

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

Sponsors: Senators Angel and Roach.

Brief History:

Committee Activity: Government Operations & Security (Note: Senate Resolution 8609 adopted January 27, 2015, renamed the Committee on Government Operations & State Security to Committee on Government Operations & Security): 1/15/15.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

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 Originally enacted in 1990 and 1991, GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly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 directs counties and cities that fully plan under GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, including land use and transportation, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations mandated by 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. 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 connected to a public sanitary sewer system. An on-site sewage system consists of a network of pipes, a

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septic tank, and a drain field, and provides subsurface soil treatment and dispersal of sewage. The State Board of Health adopts rules for on-site sewage systems establishing minimum requirements for implementation and enforcement by the state Department of Health and local health jurisdictions. Local boards of health manage and regulate on-site sewage systems by preparing and implementing management plans and administering permit and inspection requirements.

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 that an ordinance requires 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 the owner's 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: 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: PRO: This bill is a solution bill in that it offers a solution to the problem home owners with failing on-site septic systems are facing when being forced to connect to sewer systems. Costs to do that range from \$37,000 to \$150,000. This bill would apply only to a very specific situation in which a pre-existing single-family residence is within 300 feet of a sewer main and in a jurisdiction when permits to replace and repair septic systems are being denied due to a sewer connection mandate. This bill does not apply to new construction or commercial properties. This bill will not restrict the ability of local governments to mandate a connection to the public sewer system. The home owner pays for construction and installation costs on their property and the connection fees. The local government pays for the construction and installation costs of the sewer extension on public property. The idea that home owners can be forced to connect to sewer regardless of costs scares home owners. If the state begins to lose housing stock because of failing septic systems, that will add to the gap that the state already has with available housing stock.

CON: There are concerns about this proposal. The situation that this bill is trying to address is very rare. Local jurisdictions are working with home owners and allowing them to repair their septic system when it is cost prohibitive to hook up to sewer. This bill could end up requiring the neighbors to pay for hooking the person up to sewer who is not taking care of their septic system and the person not taking care of their septic system is only responsible for the portion within their property. This bill may not have the right sideboards around it to address bad behavior. The cost of these extensions will impact the community as a whole who now has to pay for sewer extension for one individual. It is rare that a conversion is

required by the local jurisdiction. This bill will have a chilling effect and make it difficult for local governments to use this strategy appropriately.

OTHER: This bill is addressing a problem and conversations need to continue, but cities still need to move toward sewer infrastructure. GMA mandates more densities and environmental protections. These costs need to be fairly distributed. Cities and counties are looking at long-term solutions and local elected officials are engaged in addressing this issue. Evaluating the distribution of these costs is a local issue. Olympia offers a number of incentives to help encourage folks to connect, including loans, permit discounts, subsidized construction, and neighborhood extension capital funding. Thurston County has a waiver process to evaluate the public and health risks versus the costs and then make a determination as to whether septic systems can be provided. Tools are in place to address this issue. Water and sewer districts have concerns with this bill because they could be the local government providing service but they do not issue permits and would be forced to cover these costs if the county or city refuses to issue a permit for the septic system.

Persons Testifying: PRO: Senator Angel, prime sponsor; Tim Johnson, WA On-site Sewage Assn.; Jeanette McKague, WA Realtors.

CON: Carl Schroeder, Assn. of WA Cities; Bryce Yadon, Futurewise; Bruce Wishart, WA Environmental Council.

OTHER: Andy Haub, City of Olympia; Joe Daniels, WA Assn. of Sewer and Water Districts; James Hart, West Sound.