
Environment Committee

HB 1476

Brief Description: Ensuring the ongoing viability of safe, reliable, on-site sewage systems in marine counties by identifying best management practices with accountability in on-site program management plans without creating or newly authorizing a fee or other program funding source.

Sponsors: Representatives Peterson, Buys, Van Werven and Short.

Brief Summary of Bill

- Requires the local health jurisdictions (LHJs) in the 12 counties bordering Puget Sound that were required in 2007 to develop written on-site sewage (OSS) program management plans to submit updated versions of those plans for approval by the Department of Health at least once every five years.
- Adds new requirements to the LHJ OSS programs and plans that must be developed in the 12 Puget Sound counties, including tracking the failure rate of septic designs and technologies, taking steps to identify previously-unknown OSS and to inspect known OSS, and including elements to prevent injury or death caused by unsafe OSS.

Hearing Date: 1/30/17

Staff: Jacob Lipson (786-7196).

Background:

The State Board of Health (BOH) adopts rules addressing the design, construction, installation, operation, and maintenance of OSS, while local health jurisdictions (LHJs) in each county administer and enforce those on-site sewage systems (OSS) regulations alongside any additional local requirements.

Owners of an OSS are generally responsible for maintaining the OSS. Once OSS systems have been installed, the systems must be inspected at least once every three years if the system has a

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septic tank and relies on a gravity-powered drain field, or at least once per year for other types of OSS, unless a county health officer requires more frequent inspections. In general, the owner bears the costs associated with repair and upkeep of the OSS.

Twelve counties in Washington are located within the Puget Sound basin. Within the basin, there are an estimated 600,000 OSS. Beginning in July 2007, local health jurisdictions (LHJs) in the 12 counties bordering the Puget Sound basin were required to develop an OSS management plan. Each LHJ was required to have its OSS management plan approved by the Department of Health (DOH), while the DOH was required to enter into contract with the LHJs for the implementation of the plans and the provision of state funding assistance.

The management plans are intended to help owners of an OSS evaluate and maintain their systems. When developing the management plans, the LHJ must propose marine recovery areas where OSS are 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. These local management plans must include information on how the local health jurisdiction will, among other things:

- maintain an inventory of all the OSS within the local health jurisdiction;
- identify areas where an OSS may pose an increased risk to public health;
- identify requirements for an OSS to address areas of increased risk; and
- help and encourage homeowners to inspect and maintain their OSS.

Summary of Bill:

On-Site Sewage Programs and Plans.

Local health jurisdictions (LHJs) in the 12 counties bordering the Puget Sound basin must submit updated on-site sewage systems (OSS) management plans to the Department of Health (DOH) for review and approval at least once every five years to implement local priorities and program requirements and state standards, including rules adopted by the State Board of Health (BOH). LHJs must also submit a report to DOH summarizing OSS program implementation progress by November 1 of even-numbered years.

OSS program plans must include:

- a procedure for tracking the failure rates of different OSS technologies and designs, including reporting to the DOH on a regular schedule;
- a description of steps to be taken by the LHJ to fully implement the county's OSS program, including inspection of known OSS consistent with the frequency required by BOH rule;
- description of steps to identify previously-unknown OSS, including a plan to identify at least 20 percent of the un-inventoried OSS in a county each year; and
- a demonstration of the LHJ's funding to implement the program in the current and subsequent fiscal year budgets, including detailed listings of OSS program funding sources and program expenditures by activity.

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. In reviewing LHJ OSS plans for approval, the DOH must ensure the plan is adequate to protect public health and safety by preventing injury and death.

Work towards identifying or correcting unsafe systems must be demonstrated in the contracts entered into between the DOH and LHJs 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 LHJ.

The DOH is required to assist LHJs in the development of best practices for ensuring the safe operation of OSS. This includes best practices in the design and maintenance of risers and lids.

Board of Health Rules Pertaining to OSS.

The BOH may adopt additional criteria for state approval of LHJ OSS plans, but any adopted rules may not take effect until one year after adoption. New or updated BOH rules regarding septic inspection or design criteria or addressing LHJ OSS plans or programs are not required to be adopted.

Appropriation: None.

Fiscal Note: Available.

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