
Environment Committee

HB 1632

Brief Description: Concerning rules for on-site sewage systems.

Sponsors: Representatives Hargrove, Rodne, Griffey, Irwin, Stokesbary, Sullivan and Young.

Brief Summary of Bill

- Restricts state Board of Health (BOH) rules related to on-site sewage systems (OSS) from requiring private monitoring contracts in order to obtain a use permit or from requiring easements for OSS inspection, maintenance or expansion.
- Prohibits OSS replacements from being required where repair is sufficient to restore the previous functionality of the 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 on-site sewage systems (OSS) with design flows of less than 3,500 gallons per day. Local health jurisdictions (LHJ) in each county administer and enforce those OSS regulations alongside any additional or discrepant local requirements. The LHJs in all counties must develop a written plan for managing OSS; additional plan requirements apply only to the 12 marine counties bordering the Puget Sound.

As part of their OSS plans, LHJs are authorized to require OSS owners to, among other criteria, provide dedicated easements for inspections, maintenance, and potential future OSS expansions. In addition, prior to issuing an installation permit for an OSS serving more than one development, LHJs must require a recorded easement allowing access for OSS construction, operation, monitoring, maintenance, and repair.

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.

Owners of an OSS are generally responsible for maintaining the OSS, including associated repair and upkeep costs. Once OSS systems have been installed, the systems must be inspected at least once every three years if the system has a septic tank and relies on a gravity-powered drain field, or at least once per year for other types of OSS, unless a LHJ requires more frequent inspections. Under BOH rules, LHJs may require OSS operation permits, and may require owners to secure and renew contracts for periodic maintenance.

When an OSS fails, BOH rules require OSS owners to:

- repair or replace the OSS with a system that meets contemporary design and operational requirements for new OSS construction, meets requirements for OSS construction that had previously been authorized by BOH rules, or meets certain system performance criteria;
- connect to a large capacity OSS or sewer system; or
- where repair, replacement, or connection is not an option, use a holding tank, obtain a water discharge permit from the Department of Ecology with LHJ certification that discharge is the only realistic dispersal method, or abandon the property.

OSS repair or replacement may take place either on the property served by the OSS, or a nearby property if easements are obtained.

Summary of Bill:

BOH rules for OSS with design flows of less than 3,500 gallons per day may not:

- require an OSS use permit to be encumbered by a monitoring contract between a private company and a private individual; or
- require dedicated easements for inspection, maintenance, or further expansion of an OSS;

In addition, the replacement of an existing OSS may not be required, or its repair excluded, if a repair is sufficient to restore the previous functionality of the OSS.

Appropriation: None.

Fiscal Note: Available.

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