

FINAL BILL REPORT

SB 5503

PARTIAL VETO C 21 L 19 Synopsis as Enacted

Brief Description: Concerning state board of health rules regarding on-site sewage systems.

Sponsors: Senators Das, Fortunato and Takko.

Senate Committee on Environment, Energy & Technology
House Committee on Environment & Energy

Background: On-site sewage systems (OSS) are underground waste water treatment structures common in areas without centralized sewer systems. The Department of Health (DOH) estimates there are approximately 950,000 OSS statewide.

The State Board of Health (SBOH) establishes rules for on-site sewage systems, while local health departments and DOH implement them. SBOH is responsible for adopting rules for designing, constructing, operating, and maintaining OSS systems with design flows of less than 3500 gallons per day.

As required by rule, the owner of an OSS is responsible for operating, monitoring, and maintaining the system. Inspections are required at least once every three years for gravity OSS and annually for all other systems, unless otherwise required by the local health officer. If an OSS fails, the owner is required to repair or replace the system, or connect to a public sewer or large on-site sewage system. When a local health officer determines repairing or replacing the OSS or connecting to another system is not a feasible option, and the only realistic method is discharging treated effluent or abandon the property, then the owner must use a holding tank and obtain a discharge permit from the Department of Ecology.

A local health jurisdiction (LHJ) may apply for an administrative search warrant when there is an administrative plan in place to address pollution of commercial or recreational shellfish harvesting areas and the request to access the property has been denied. The plan, along with reasonable evidence showing pollution from the septic system on the property to be inspected, must be submitted to the court as part of the justification for the warrant.

Summary: Failing On-Site Sewage Systems. The rules adopted by SBOH must:

- give first priority to repairing and second priority to replacing an existing conventional OSS;

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- not impose more stringent performance requirements of equivalent OSS on private entities than public entities; and
- allow repair of an OSS using the least expensive alternatives that meet standards, and is likely to provide comparable or better long-term sewage treatment and effluent dispersal outcomes.

Inspections of On-Site Sewage Systems. The rules adopted by SBOH must:

- require coordination between the owner and certified professional inspector or public agency prior to accessing the OSS;
- require authorization by the OSS owner for inspection by a certified inspector or public agency unless the LHJ obtains an administrative search warrant following existing procedures; and
- forbid LHJs from conditioning OSS permits with requirements for inspections or maintenance easements of OSS located on a single property servicing a single dwelling.

Votes on Final Passage:

Senate	47	0
House	93	0

Effective: July 28, 2019

Partial Veto Summary:

- Removes the prohibition for local health officers to deny or condition an OSS permit application on granting an easement for inspection.