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**SENATE BILL 5493**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Sheldon, Owen, Haugen, Oke, McCaslin, Heavey, Hochstatter, Snyder, Bauer, West and Palmer

Read first time 01/24/95. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to state and county government; and amending RCW  
2 43.20.050, 70.118.020, 70.118.030, 70.118.040, and 70.118.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to  
5 read as follows:

6 (1) The state board of health shall provide a forum for the  
7 development of public health policy in Washington state. It is  
8 authorized to recommend to the secretary means for obtaining  
9 appropriate citizen and professional involvement in all public health  
10 policy formulation and other matters related to the powers and duties  
11 of the department. It is further empowered to hold hearings and  
12 explore ways to improve the health status of the citizenry.

13 (a) At least every five years, the state board shall convene  
14 regional forums to gather citizen input on public health issues.

15 (b) Every two years, in coordination with the development of the  
16 state biennial budget, the state board shall prepare the state public  
17 health report that outlines the health priorities of the ensuing  
18 biennium. The report shall:

19 (i) Consider the citizen input gathered at the forums;

1 (ii) Be developed with the assistance of local health departments;  
2 (iii) Be based on the best available information collected and  
3 reviewed according to RCW 43.70.050 and recommendations from the  
4 council;

5 (iv) Be developed with the input of state health care agencies. At  
6 least the following directors of state agencies shall provide timely  
7 recommendations to the state board on suggested health priorities for  
8 the ensuing biennium: The secretary of social and health services, the  
9 health care authority administrator, the insurance commissioner, the  
10 superintendent of public instruction, the director of labor and  
11 industries, the director of ecology, and the director of agriculture;

12 (v) Be used by state health care agency administrators in preparing  
13 proposed agency budgets and executive request legislation;

14 (vi) Be submitted by the state board to the governor by January 1  
15 of each even-numbered year for adoption by the governor. The governor,  
16 no later than March 1 of that year, shall approve, modify, or  
17 disapprove the state public health report.

18 (c) In fulfilling its responsibilities under this subsection, the  
19 state board may create ad hoc committees or other such committees of  
20 limited duration as necessary.

21 (2) In order to protect public health, the state board of health  
22 shall:

23 (a) Adopt rules necessary to assure safe and reliable public  
24 drinking water and to protect the public health. Such rules shall  
25 establish requirements regarding:

26 (i) The design and construction of public water system facilities,  
27 including proper sizing of pipes and storage for the number and type of  
28 customers;

29 (ii) Drinking water quality standards, monitoring requirements, and  
30 laboratory certification requirements;

31 (iii) Public water system management and reporting requirements;

32 (iv) Public water system planning and emergency response  
33 requirements;

34 (v) Public water system operation and maintenance requirements;

35 (vi) Water quality, reliability, and management of existing but  
36 inadequate public water systems; and

37 (vii) Quality standards for the source or supply, or both source  
38 and supply, of water for bottled water plants.

1 (b) Adopt rules and standards for prevention, control, and  
2 abatement of health hazards and nuisances related to the disposal of  
3 wastes, solid and liquid, including but not limited to sewage, garbage,  
4 refuse, and other environmental contaminants; adopt standards and  
5 procedures governing the design, construction, and operation of sewage,  
6 garbage, refuse and other solid waste collection, treatment, and  
7 disposal facilities. Standards for on-site sewage disposal systems  
8 shall be advisory only. The board shall provide technical assistance  
9 to local jurisdictions concerning regulation of on-site sewage systems;

10 (c) Adopt rules controlling public health related to environmental  
11 conditions including but not limited to heating, lighting, ventilation,  
12 sanitary facilities, cleanliness and space in all types of public  
13 facilities including but not limited to food service establishments,  
14 schools, institutions, recreational facilities and transient  
15 accommodations and in places of work;

16 (d) Adopt rules for the imposition and use of isolation and  
17 quarantine;

18 (e) Adopt rules for the prevention and control of infectious and  
19 noninfectious diseases, including food and vector borne illness, and  
20 rules governing the receipt and conveyance of remains of deceased  
21 persons, and such other sanitary matters as admit of and may best be  
22 controlled by universal rule; and

23 (f) Adopt rules for accessing existing data bases for the purposes  
24 of performing health related research.

25 (3) The state board may delegate any of its rule-adopting authority  
26 to the secretary and rescind such delegated authority.

27 (4) All local boards of health, health authorities and officials,  
28 officers of state institutions, police officers, sheriffs, constables,  
29 and all other officers and employees of the state, or any county, city,  
30 or township thereof, shall enforce all rules adopted by the state board  
31 of health. In the event of failure or refusal on the part of any  
32 member of such boards or any other official or person mentioned in this  
33 section to so act, he or she shall be subject to a fine of not less  
34 than fifty dollars, upon first conviction, and not less than one  
35 hundred dollars upon second conviction.

36 (5) The state board may advise the secretary on health policy  
37 issues pertaining to the department of health and the state.

1       **Sec. 2.** RCW 70.118.020 and 1994 c 281 s 2 are each amended to read  
2 as follows:

3       As used in this chapter, the terms defined in this section shall  
4 have the meanings indicated unless the context clearly indicates  
5 otherwise.

6       (1) "Nonwater-carried sewage disposal devices" means any device  
7 that stores and treats nonwater-carried human urine and feces.

8       (2) "Alternative methods of effluent disposal" means systems  
9 approved by (~~the department of health~~) a local board of health for  
10 that jurisdiction, including at least, mound systems, alternating drain  
11 fields, anaerobic filters, evapotranspiration systems, and aerobic  
12 systems.

13       (3) "Failure" means(~~(:—(a) Effluent has been discharged on the~~  
14 ~~surface of the ground prior to approved treatment; or (b) effluent has~~  
15 ~~percolated to the surface of the ground; or (c) effluent has~~  
16 ~~contaminated or threatens to contaminate a ground water supply))~~ a  
17 condition of an on-site sewage system that threatens the public health  
18 by creating a potential for direct or indirect contact between sewage  
19 and the public.

20       (4) "Additive" means any commercial product intended to affect the  
21 performance or aesthetics of an on-site sewage disposal system.

22       (5) "Department" means the department of health.

23       (6) "On-site sewage disposal system" means any system of piping,  
24 treatment devices, or other facilities that convey, store, treat, or  
25 dispose of sewage on the property where it originates or on nearby  
26 property under the control of the user where the system is not  
27 connected to a public sewer system. For purposes of this chapter, an  
28 on-site sewage disposal system does not include indoor plumbing and  
29 associated fixtures.

30       (7) "Chemical additive" means those additives containing acids,  
31 bases, or other chemicals deemed unsafe by the department for use in an  
32 on-site sewage disposal system.

33       (8) "Additive manufacturer" means any person who manufactures,  
34 formulates, blends, packages, or repackages an additive product for  
35 sale, use, or distribution within the state.

36       **Sec. 3.** RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended  
37 to read as follows:

1        Local boards of health shall adopt regulations concerning on-site  
2 sewage disposal systems, shall identify failing septic tank drainfield  
3 systems in the normal manner, and ~~((will))~~ shall use reasonable effort  
4 to determine new failures. Local boards of health shall use  
5 discretionary judgment ~~((will be made))~~ in implementing corrections by  
6 specifying nonwater-carried sewage disposal devices or other  
7 alternative methods of treatment and effluent disposal as a measure of  
8 ameliorating existing substandard conditions. Local regulations shall  
9 be consistent with the intent and purposes stated ~~((herein))~~ in this  
10 chapter.

11        Local on-site sewage disposal system regulations shall be  
12 applicable to local soil conditions and shall assure protection of  
13 public health. Local health districts shall regularly assess on-site  
14 sewage disposal system performance and establish a program to enhance  
15 maintenance and operation of on-site sewage disposal systems.

16        **Sec. 4.** RCW 70.118.040 and 1991 c 3 s 368 are each amended to read  
17 as follows:

18        ~~((With the advice of the secretary of the department of health,))~~  
19 Local boards of health ~~((are hereby authorized to))~~ may waive  
20 applicable sections of local plumbing and/or building codes that might  
21 prohibit the use of an alternative method for correcting a failure.

22        **Sec. 5.** RCW 70.118.050 and 1989 c 349 s 3 are each amended to read  
23 as follows:

24        If the ~~((legislative authority of a county or city))~~ local board of  
25 health finds that ~~((more))~~ less restrictive standards than ~~((those~~  
26 ~~contained in section 2 of this act or))~~ those ~~((adopted))~~ advised by  
27 the state board of health for on-site sewage disposal systems ~~((allowed~~  
28 ~~under section 2 of this act))~~ or limitations on expansion of a  
29 residence are necessary ~~((to))~~ or appropriate and ensure protection of  
30 the public health, attainment of state water quality standards, and the  
31 protection of shellfish and other public resources, the ~~((legislative~~  
32 ~~authority))~~ local board of health may adopt ordinances or resolutions  
33 setting standards as they may find necessary for implementing their  
34 findings. The ~~((legislative authority may))~~ local board of health  
35 shall identify the geographic areas where it is necessary to implement  
36 the ~~((more restrictive))~~ variant standards. In addition, the  
37 ~~((legislative authority may))~~ local board of health shall adopt

1 standards for the design, construction, maintenance, and monitoring of  
2 on-site sewage disposal systems that meet the intent of the state board  
3 of health guidelines.

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