

2 ESHB 1457 - S COMM AMD

3 By Committee on Environment & Natural Resources

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that additives do
8 not currently have a positive effect on the operation of on-site
9 systems. The legislature further finds that additives can contaminate
10 ground water aquifers, render septic drainfields dysfunctional, and
11 result in costly repairs to homeowners. It is therefore the intent of
12 the legislature to ban the use, sale, and distribution of additives
13 within the state unless an additive has been specifically approved by
14 the department of health."

15 "Sec. 2. RCW 70.118.020 and 1977 ex.s. c 133 s 2 are each amended
16 to read as follows:

17 As used in this chapter, the terms defined in this section shall
18 have the meanings indicated unless the context clearly indicates
19 otherwise.

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

22 (2) "Alternative methods of effluent disposal" means systems
23 approved by the department of ~~((social and))~~ health ~~((services,))~~
24 including at least, mound systems, alternating drain fields, anaerobic
25 filters, evapotranspiration systems, and aerobic systems.

26 (3) "Failure" means: (a) Effluent has been discharged on the
27 surface of the ground prior to approved treatment; or (b) effluent has

1 percolated to the surface of the ground; or (c) effluent has
2 contaminated or threatens to contaminate a ground water supply.

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

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

7 "NEW SECTION. Sec. 3. A new section is added to chapter 70.118
8 RCW to read as follows:

9 (1) After January 1, 1993, a person may not use, sell, or
10 distribute an additive to on-site sewage disposal systems unless such
11 additive has been specifically approved by the department. The
12 department may approve an additive if it can be demonstrated to the
13 satisfaction of the department that the additive has a positive
14 benefit, and no adverse effect, on the operation or performance of an
15 on-site sewage system. Upon written request by a manufacturer or
16 distributor of an on-site sewage system to evaluate an additive, the
17 department may charge a fee sufficient to cover the cost of evaluating
18 an additive.

19 (2) A violation of subsection (1) of this section is a class 3
20 civil infraction under chapter 7.80 RCW. Each additive sold or
21 distributed in violation of this section shall be a separate
22 infraction. The department and local departments of health shall issue
23 a written warning to any retailer or distributor prior to issuing a
24 notice of civil infraction.

25 (3) The department is responsible for notifying, in writing, major
26 distributors and wholesalers of additives of the state-wide prohibition
27 on additives."

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4 On page 1, line 1 of the title, after "additives;" strike the
5 remainder of the title and insert "amending RCW 70.118.020; adding a
6 new section to chapter 70.118 RCW; creating a new section; and
7 prescribing penalties."