

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6081**

53rd Legislature  
1994 Regular Session

Passed by the Senate March 7, 1994  
YEAS 45 NAYS 2

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**President of the Senate**

Passed by the House March 4, 1994  
YEAS 97 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6081** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6081**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

**State of Washington                      53rd Legislature                      1994 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by  
Senators Haugen, Deccio, Bauer and Winsley)

Read first time 02/04/94.

1            AN ACT Relating to on-site sewage additives; amending RCW  
2            70.118.020 and 70.118.060; adding new sections to chapter 70.118  
3            RCW; creating a new section; and declaring an emergency.

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

5            "NEW SECTION.    **Sec. 1.**    The legislature finds that chemical  
6            additives do, and that other types of additives may, contribute to  
7            septic system failure and ground water contamination.    In order to  
8            determine which ingredients of nonchemically based additive products  
9            have adverse effects on public health or the environment, it is  
10           necessary to submit such products to a review procedure.

11           The purpose of this act is:    (1) To establish a timely and  
12           orderly procedure for review and approval of on-site sewage disposal  
13           system additives; (2) to prohibit the use, sale, or distribution of  
14           additives having an adverse effect on public health or the water  
15           quality of the state; (3) to require the disclosure of the contents  
16           of additives that are advertised, sold, or distributed in the state;  
17           and (4) to provide for consumer protection.

1           **Sec. 2.** RCW 70.118.020 and 1993 c 321 s 2 are each amended to  
2 read 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, including at least, mound  
10 systems, alternating drain fields, anaerobic filters,  
11 evapotranspiration systems, and aerobic systems.

12           (3) "Failure" means: (a) Effluent has been discharged on the  
13 surface of the ground prior to approved treatment; or (b) effluent  
14 has percolated to the surface of the ground; or (c) effluent has  
15 contaminated or threatens to contaminate a ground water supply.

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

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

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

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

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

33           **Sec. 3.** RCW 70.118.060 and 1993 c 321 s 3 are each amended to  
34 read as follows:

1 (1) After July 1, 1994, a person may not use, sell, or  
2 distribute ~~((an))~~ a chemical additive to on-site sewage disposal  
3 systems ~~((unless such additive has been specifically approved by the  
4 department. The department may approve an additive if it can be  
5 demonstrated to the satisfaction of the department that the additive  
6 has a positive benefit, and no adverse effect, on the operation or  
7 performance of an on-site sewage system. Upon written request by an  
8 additive manufacturer or distributor for product evaluation,))~~.

9 (2) After January 1, 1996, no person shall use, sell, or  
10 distribute any on-site sewage disposal additive whose ingredients  
11 have not been approved by the department.

12 (3) Each manufacturer of an on-site sewage disposal system  
13 additive that is sold, advertised, or distributed in the state shall  
14 submit the following information to the department: (a) The name  
15 and address of the company; (b) the name of the product; (c) the  
16 complete product formulation; (d) the location where the product is  
17 manufactured; (e) the intended method of product application; and  
18 (f) a request that the product be reviewed.

19 (4) The department shall adopt rules providing the criteria,  
20 review, and decision-making procedures to be used in reviewing on-  
21 site sewage disposal additives for use, sale, or distribution in the  
22 state. The criteria shall be designed to determine whether the  
23 additive has an adverse effect on public health or water quality.  
24 The department may charge a fee sufficient to cover the costs of  
25 evaluating the additive, including the development of ~~((standards))~~  
26 criteria and review procedures.

27 ~~((+2))~~ The fee schedule shall be established by rule.

28 (5) The department shall issue a decision as to whether a  
29 product registered pursuant to subsection (3) of this section is  
30 approved or denied within forty-five days of receiving a complete  
31 evaluation as required pursuant to subsection (4) of this section.

32 (6) Manufacturers shall reregister their product as provided in  
33 subsection (3) of this section each time their product formulation  
34 changes. The department may require a new approval for products

1 registered under this subsection prior to allowing the use, sale, or  
2 distribution within the state.

3 (7) The department may contract with private laboratories for  
4 the performance of any duties necessary to carry out the purpose of  
5 this section.

6 (8) The attorney general or appropriate city or county  
7 prosecuting attorney is authorized to bring an appropriate action to  
8 enjoin any violation of the prohibition on the sale or distribution  
9 of additives, or to enjoin any violation of the conditions in  
10 section 5 of this act.

11 ~~((+3))~~ (9) The department is responsible for providing written  
12 notification to ~~((major distributors and wholesalers of))~~ additives  
13 manufacturers of the ~~((state wide prohibition on additives))~~   
14 provisions of this section and sections 4 and 5 of this act. The  
15 notification shall be provided no later than ~~((October 1, 1993))~~   
16 thirty days after the effective date of this section. Within thirty  
17 days of notification from the department, ~~((distributors and~~  
18 ~~wholesalers))~~ manufacturers shall provide the same notification to  
19 their distributors, wholesalers, and retail customers. ((The  
20 department shall also provide notification to major distributors and  
21 wholesalers of additive products that have been approved.))

22 NEW SECTION. Sec. 4. A new section is added to chapter 70.118  
23 RCW to read as follows:

24 The department shall hold confidential any information obtained  
25 pursuant to RCW 70.118.060 when shown by any manufacturer that such  
26 information, if made public, would divulge confidential business  
27 information, methods, or processes entitled to protection as trade  
28 secrets of the manufacturer.

29 NEW SECTION. Sec. 5. A new section is added to chapter 70.118  
30 RCW to read as follows:

31 (1) Each manufacturer of a certified and approved additive  
32 product advertised, sold, or distributed in the state shall:

1 (a) Make no claims relating to the elimination of the need for  
2 septic tank pumping or proper septic tank maintenance;

3 (b) List the components of additive products on the product  
4 label, along with information regarding instructions for use and  
5 precautions;

6 (c) Make no false statements, design, or graphic representation  
7 relative to an additive product that is inconsistent with RCW  
8 70.118.060, section 4 of this act, or this section; and

9 (d) Make no claims, either direct or implied, about the  
10 performance of the product based on state approval of its  
11 ingredients.

12 (2) A violation of this section is an unfair act or practice in  
13 violation of the consumer protection act, chapter 19.86 RCW.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.118  
15 RCW to read as follows:

16 The department may not use funds appropriated to implement an  
17 element of the Puget Sound water quality authority plan to conduct  
18 any activity required under chapter . . . , Laws of 1994 (this act).

19 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of  
21 the state government and its existing public institutions, and shall  
22 take effect immediately.

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