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ENGROSSED SUBSTITUTE SENATE BILL 5247

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser; by request of Puget Sound Water Quality Authority)

Read first time 01/25/95.

1 AN ACT Relating to operating water pollution prevention, control,  
2 and reduction programs through local government systems of sewerage;  
3 amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020,  
4 36.94.140, 54.16.230, 56.08.020, 56.16.090, 57.08.065, and 90.72.040;  
5 reenacting and amending RCW 56.08.010; creating new sections; and  
6 providing an effective date.

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

8 NEW SECTION. **Sec. 1.** It is the purpose of this act to promote  
9 efficiency in delivering water quality programs and to assist local  
10 governments in promoting and achieving the prevention of water  
11 pollution through service-oriented utilities, in cooperation with the  
12 private sector.

13 **Sec. 2.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read  
14 as follows:

15 A "system of sewerage" means and may include((s)) any or all of the  
16 following:

17 (1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment,  
18 and/or disposal facilities and programs, on-site or off-site sanitary

1 sewerage facilities such as approved on-site sewage systems, on-site  
2 sanitary sewerage systems, inspection programs and maintenance programs  
3 for public or private on-site systems, or any other means of sewage  
4 treatment and disposal approved by the city;

5 (2) Combined sanitary sewage disposal and storm or surface water  
6 sewers;

7 (3) Storm or surface water (~~(sewers)~~) drains and facilities;

8 (4) Outfalls for storm drainage or sanitary sewage and works,  
9 plants, and facilities for storm drainage or sanitary sewage treatment  
10 and disposal, (~~(or)~~) and rights and interests in property relating to  
11 the system;

12 (5) Combined water and sewerage systems;

13 (6) Water quality education and public involvement programs for the  
14 protection of waters of the state as defined by RCW 90.48.020 from  
15 pollution; point and nonpoint water pollution monitoring programs; and  
16 agricultural, industrial, and commercial management practices education  
17 programs to prevent and reduce water pollution;

18 (7) Public restroom and sanitary facilities; and

19 (8) Any combination of or part of any or all of such facilities.

20 The words "public utility" when used in this chapter shall have the  
21 same meaning as the words "system of sewerage."

22 **Sec. 3.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read  
23 as follows:

24 Every city and town may construct, condemn and purchase, acquire,  
25 add to, implement, maintain, conduct, and operate systems of sewerage  
26 and systems and plants for refuse collection and disposal together with  
27 additions, extensions, and betterments thereto, within and without its  
28 limits, with full jurisdiction and authority to manage, regulate, and  
29 control them and to fix, alter, regulate, and control the rates and  
30 charges for the use thereof: PROVIDED, That the rates charged must be  
31 uniform for the same class of customers or service.

32 In classifying customers served or service, facilities, and  
33 programs furnished by such system of sewerage, the city or town  
34 legislative body may in its discretion consider any or all of the  
35 following factors: The difference in cost of service, facilities, and  
36 programs to the various customers; the location of the various  
37 customers within and without the city or town; the difference in cost  
38 of maintenance, operation, implementation, repair, and replacement of

1 the various parts of the system; the different character of the  
2 service, facilities, and programs furnished various customers; the  
3 quantity and quality of the sewage delivered and the time of its  
4 delivery; the achievement of water conservation goals and the  
5 discouragement of wasteful water use practices; capital contributions  
6 made to the system, including but not limited to, assessments; and any  
7 other matters which present a reasonable difference as a ground for  
8 distinction. Rates or charges imposed under this chapter for on-site  
9 inspection and maintenance services shall reflect the allocable share  
10 of the cost of providing the program or service to the person or entity  
11 paying the charge, and may not be imposed on the development,  
12 construction, or reconstruction of property.

13 A city or town may adjust or delay rates and charges and may  
14 provide other assistance to aid low-income persons in participating in  
15 programs and in complying with regulations imposed in connection with  
16 this chapter.

17 Under this chapter, after January 1, 1997, any requirements for  
18 pumping the septic tank of an on-site sewage system should be based,  
19 among other things, on actual measurement of accumulation of sludge and  
20 scum by a trained operator, trained owner's agent, or trained owner.  
21 Training shall occur in a program approved by the state board of health  
22 or by a local health officer.

23 Before adopting an on-site inspection and maintenance utility  
24 program, or incorporating residences into an on-site inspection and  
25 maintenance or sewer utility under this chapter, notification shall be  
26 provided, prior to the applicable public hearing, to all residences  
27 within the proposed service area that have on-site systems permitted by  
28 the local health officer. The notice shall clearly state that the  
29 residence is within the proposed service area and shall provide  
30 information on estimated rates or charges that may be imposed for the  
31 service.

32 **Sec. 4.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read  
33 as follows:

34 A city or town may construct, condemn and purchase, purchase,  
35 acquire, add to, alter, maintain, implement, and operate systems,  
36 plants, sites, or other facilities of sewerage as defined in RCW  
37 35.67.010, or solid waste handling as defined by RCW 70.95.030, and  
38 shall have full authority to manage, regulate, operate, control, and to

1 fix the price of service, facility, or program of those systems,  
2 plants, sites, or other facilities within and without the limits of the  
3 city or town. The rates charged shall be uniform for the same class of  
4 customers or service, facility, or program. In classifying customers  
5 served or service, facilities, and programs furnished by a system or  
6 systems of sewerage, the legislative authority of the city or town may  
7 in its discretion consider any or all of the following factors: The  
8 difference in cost of service, facilities, and programs to customers;  
9 the location of customers within and without the city or town; the  
10 difference in cost of maintenance, operation, repair, and replacement  
11 of the parts of the system; the different character of the service,  
12 facilities, and programs furnished to customers; the quantity and  
13 quality of the sewage delivered and the time of its delivery; capital  
14 contributions made to the systems, plants, sites, or other facilities,  
15 including but not limited to, assessments; and any other factors that  
16 present a reasonable difference as a ground for distinction. Rates or  
17 charges imposed under this chapter for on-site inspection and  
18 maintenance services shall reflect the allocable share of the cost of  
19 providing the program or service to the person or entity paying the  
20 charge, and may not be imposed on the development, construction, or  
21 reconstruction of property.

22 A city or town may adjust or delay rates and charges and may  
23 provide other assistance to aid low-income persons in participating in  
24 programs and in complying with regulations imposed in connection with  
25 this chapter.

26 Under this chapter, after January 1, 1997, any requirements for  
27 pumping the septic tank of an on-site sewage system should be based,  
28 among other things, on actual measurement of accumulation of sludge and  
29 scum by a trained operator, trained owner's agent, or trained owner.  
30 Training shall occur in a program approved by the state board of health  
31 or by a local health officer.

32 Before adopting an on-site inspection and maintenance utility  
33 program, or incorporating residences into an on-site inspection and  
34 maintenance or sewer utility under this chapter, notification shall be  
35 provided, prior to the applicable public hearing, to all residences  
36 within the proposed service area that have on-site systems permitted by  
37 the local health officer. The notice shall clearly state that the  
38 residence is within the proposed service area and shall provide

1 information on estimated rates or charges that may be imposed for the  
2 service.

3 **Sec. 5.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read  
4 as follows:

5 As used in this chapter:

6 (1) A "system of sewerage" means and may include~~((s))~~ any or all of  
7 the following:

8 (a) Sanitary sewage collection, treatment, and/or disposal ~~((sewers~~  
9 ~~and))~~ facilities and programs, including without limitation on-site or  
10 off-site sanitary sewerage facilities ~~((consisting of an))~~ such as  
11 approved septic tanks or septic tank systems, on-site sanitary sewerage  
12 systems, inspection programs and maintenance programs for private or  
13 public on-site systems, or any other means of sewage treatment and  
14 disposal approved by the county;

15 (b) Combined sanitary sewage disposal and storm or surface water  
16 drains and facilities;

17 (c) Storm or surface water drains, channels, and facilities;

18 (d) Outfalls for storm drainage or sanitary sewage and works,  
19 plants, and facilities for storm drainage or sanitary sewage treatment  
20 and disposal, and rights and interests in property relating to the  
21 system;

22 (e) Combined water and sewerage systems;

23 (f) Facilities and programs for the protection of waters of the  
24 state as defined by RCW 90.48.020 from pollution, including but not  
25 limited to monitoring water quality; monitoring point and nonpoint  
26 sources of pollution; removing or reducing water pollution; water  
27 quality education and public involvement programs; and agricultural,  
28 industrial, and commercial management practices education programs to  
29 reduce water pollution;

30 (g) Public restroom and sanitary facilities;

31 (h) The facilities and programs authorized in RCW 36.94.020; and

32 (i) Any combination of or part of any or all of such facilities.

33 (2) A "system of water" means and includes:

34 (a) A water distribution system, including dams, reservoirs,  
35 aqueducts, plants, pumping stations, transmission and lateral  
36 distribution lines and other facilities for distribution of water;

37 (b) A combined water and sewerage system;

1 (c) Any combination of or any part of any or all of such  
2 facilities.

3 (3) A "sewerage and/or water general plan" means a general plan for  
4 a system of sewerage and/or water for the county which shall be an  
5 element of the comprehensive plan established by the county pursuant to  
6 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a  
7 comprehensive plan.

8 (a) A sewerage general plan shall include the general location and  
9 description of treatment and disposal facilities, trunk and interceptor  
10 sewers, pumping stations, monitoring and control facilities, channels,  
11 local service areas and a general description of the collection system  
12 to serve those areas, a description of on-site sanitary sewerage system  
13 inspection programs and maintenance programs, and other facilities and  
14 programs as may be required to provide a functional and implementable  
15 plan, including preliminary engineering to assure feasibility. The  
16 plan may also include a description of the regulations deemed  
17 appropriate to carrying out surface drainage plans.

18 (b) A water general plan shall include the general location and  
19 description of water resources to be utilized, wells, treatment  
20 facilities, transmission lines, storage reservoirs, pumping stations,  
21 and monitoring and control facilities as may be required to provide a  
22 functional and implementable plan.

23 (c) Water and/or sewerage general plans shall include preliminary  
24 engineering in adequate detail to assure technical feasibility and, to  
25 the extent then known, shall further discuss the methods of  
26 distributing the cost and expense of the system and shall indicate the  
27 economic feasibility of plan implementation. The plans may also  
28 specify local or lateral facilities and programs. The sewerage and/or  
29 water general plan does not mean the final engineering construction or  
30 financing plans for the system.

31 (4) "Municipal corporation" means and includes any city, town,  
32 metropolitan municipal corporation, any public utility district which  
33 operates and maintains a sewer or water system, any sewer, water,  
34 diking, or drainage district, any diking, drainage, and sewerage  
35 improvement district, and any irrigation district.

36 (5) A "private utility" means and includes all utilities, both  
37 public and private, which provide sewerage and/or water service and  
38 which are not municipal corporations within the definition of this  
39 chapter. The ownership of a private utility may be in a corporation,

1 nonprofit or for profit, in a cooperative association, in a mutual  
2 organization, or in individuals.

3 (6) "Board" means one or more boards of county commissioners and/or  
4 the legislative authority of a home rule charter county.

5 **Sec. 6.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read  
6 as follows:

7 The construction, implementation, operation, and maintenance of a  
8 system of sewerage and/or water is a county purpose. Subject to the  
9 provisions of this chapter, every county has the power, individually or  
10 in conjunction with another county or counties to adopt, provide for,  
11 accept, establish, implement, condemn, purchase, construct, add to,  
12 operate, and maintain a system or systems of sanitary and storm sewers,  
13 including outfalls, interceptors, plans, and facilities and programs  
14 necessary for sewerage treatment and disposal, and/or system or systems  
15 of water supply within all or a portion of the county: PROVIDED, That  
16 counties shall not have power to condemn sewerage and/or water systems  
17 of any municipal corporation or private utility.

18 Such county or counties shall have the authority to control,  
19 regulate, implement, operate, and manage such system or systems and to  
20 provide funds therefor by general obligation bonds, revenue bonds,  
21 local improvement district bonds, utility local improvement district or  
22 local improvement district assessments, and in any other lawful fiscal  
23 manner. Rates or charges imposed under this chapter for on-site  
24 inspection and maintenance services shall reflect the allocable share  
25 of the cost of providing the program or service to the person or entity  
26 paying the charge, and may not be imposed on the development,  
27 construction, or reconstruction of property.

28 Under this chapter, after January 1, 1997, any requirements for  
29 pumping the septic tank of an on-site sewage system should be based,  
30 among other things, on actual measurement of accumulation of sludge and  
31 scum by a trained operator, trained owner's agent, or trained owner.  
32 Training shall occur in a program approved by the state board of health  
33 or by a local health officer.

34 Before adopting an on-site inspection and maintenance utility  
35 program, or incorporating residences into an on-site inspection and  
36 maintenance or sewer utility under this chapter, notification shall be  
37 provided, prior to the applicable public hearing, to all residences  
38 within the proposed service area that have on-site systems permitted by

1 the local health officer. The notice shall clearly state that the  
2 residence is within the proposed service area and shall provide  
3 information on estimated rates or charges that may be imposed for the  
4 service.

5 A county may, as part of a system of sewerage established under  
6 this chapter, provide for, finance, and operate any of the facilities  
7 and programs and may exercise the powers expressly authorized for  
8 county storm water, flood control, pollution prevention, and drainage  
9 programs and activities under chapters 36.89, 86.12, 86.13, and 86.15  
10 RCW. A county also may provide for, finance, and operate the  
11 facilities and programs and may exercise any of the powers authorized  
12 for aquifer protection areas under chapter 36.36 RCW; for lake  
13 management districts under chapter 36.61 RCW; for diking districts, and  
14 diking, drainage, and sewerage improvement districts under chapters  
15 85.05, 85.08, 85.15, 85,16, and 85.18 RCW; and for shellfish protection  
16 districts under chapter 90.72 RCW. However, if a county by reference  
17 to any of those statutes assumes as part of its system of sewerage any  
18 powers granted to such areas or districts and not otherwise available  
19 to a county under this chapter, then (1) the procedures and  
20 restrictions applicable to those areas or districts shall apply to the  
21 county's exercise of those powers, and (2) the county may not  
22 simultaneously impose rates and charges under this chapter and under  
23 the statutes authorizing such areas or districts for substantially the  
24 same programs and services, but must instead impose uniform rates and  
25 charges consistent with RCW 36.94.140. By agreement with such an area  
26 or district that is not part of a county's system of sewerage, a county  
27 may operate that area's or district's programs or facilities, but a  
28 county may not dissolve any existing area or district except in  
29 accordance with any applicable provisions of the statute under which  
30 that area or district was created.

31 **Sec. 7.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read  
32 as follows:

33 Every county, in the implementation and operation of a system of  
34 sewerage and/or water, shall have full jurisdiction and authority to  
35 manage, regulate and control it and to fix, alter, regulate and control  
36 the rates and charges for the service, facilities, and programs to  
37 those to whom such ((county)) service ((is)), facilities, and programs  
38 are available, and to levy charges for connection to such system. The



1 rates for availability of service, facilities, programs, and connection  
2 charges so charged must be uniform for the same class of customers or  
3 service, facility, or program.

4 In classifying customers served, service furnished or made  
5 available by such system of sewerage and/or water, or the connection  
6 charges, the board may consider any or all of the following factors:

7 (1) The difference in cost of service to the various customers  
8 within or without the area;

9 (2) The difference in cost of maintenance, operation, repair and  
10 replacement of the various parts of the systems;

11 (3) The different character of the service, facilities, and  
12 programs furnished various customers;

13 (4) The quantity and quality of the sewage and/or water delivered  
14 and the time of its delivery;

15 (5) Capital contributions made to the system or systems, including,  
16 but not limited to, assessments;

17 (6) The cost of acquiring the system or portions of the system in  
18 making system improvements necessary for the public health and safety;  
19 and

20 (7) Any other matters which present a reasonable difference as a  
21 ground for distinction.

22 A county may adjust or delay rates and charges and may provide  
23 other assistance to aid low-income persons in participating in programs  
24 and in complying with regulations imposed in connection with this  
25 chapter.

26 Such rates shall produce revenues sufficient to take care of the  
27 costs of maintenance and operation, revenue bond and warrant interest  
28 and principal amortization requirements, and all other charges  
29 necessary for the efficient and proper operation of the system.

30 **Sec. 8.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended  
31 to read as follows:

32 A public utility district may acquire, construct, operate,  
33 maintain, and add to sewage systems, subject to and in compliance with  
34 the county comprehensive plan, under the general powers of Title 54 RCW  
35 or through the formation of local utility districts as provided in RCW  
36 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any  
37 sewage system works as authorized by this section, the voters of the  
38 public utility district shall first approve by majority vote a

1 referendum proposition authorizing such district to exercise the powers  
2 set forth in this section, which proposition shall be presented at a  
3 general election. A sewage system may include any or all of the  
4 following:

5 (1) Sanitary sewage collection, treatment, and/or disposal  
6 facilities and programs, including without limitation on-site or off-  
7 site sewerage facilities such as approved on-site sewage systems, on-  
8 site sanitary sewerage systems, inspection programs and maintenance  
9 programs for public or private on-site systems, or any other means of  
10 sewage treatment and disposal;

11 (2) Facilities and programs for the protection of waters of the  
12 state as defined by RCW 90.48.020 from pollution, including but not  
13 limited to monitoring water quality; monitoring point and nonpoint  
14 sources of pollution; preventing, removing, or reducing water  
15 pollution; water quality education and public involvement programs; and  
16 agricultural, industrial, and commercial management practices education  
17 programs to reduce water pollution; and

18 (3) Public restroom and sanitary facilities.

19 Rates or charges imposed under this chapter for on-site inspection  
20 and maintenance services shall reflect the allocable share of the cost  
21 of providing the program or service to the person or entity paying the  
22 charge, and may not be imposed on the development, construction, or  
23 reconstruction of property.

24 A public utility district may adjust or delay rates and charges and  
25 may provide other assistance to aid low-income persons in complying  
26 with regulations imposed in connection with this section.

27 Under this chapter, after January 1, 1997, any requirements for  
28 pumping the septic tank of an on-site sewage system should be based,  
29 among other things, on actual measurement of accumulation of sludge and  
30 scum by a trained operator, trained owner's agent, or trained owner.  
31 Training shall occur in a program approved by the state board of health  
32 or by a local health officer.

33 Before adopting an on-site inspection and maintenance utility  
34 program, or incorporating residences into an on-site inspection and  
35 maintenance or sewer utility under this chapter, notification shall be  
36 provided, prior to the applicable public hearing, to all residences  
37 within the proposed service area that have on-site systems permitted by  
38 the local health officer. The notice shall clearly state that the  
39 residence is within the proposed service area and shall provide

1 information on estimated rates or charges that may be imposed for the  
2 service.

3 **Sec. 9.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are  
4 each reenacted and amended to read as follows:

5 A sewer district may acquire by purchase or by condemnation and  
6 purchase all lands, property rights, water, and water rights, both  
7 within and without the district, necessary for its purposes. A sewer  
8 district may lease real or personal property necessary for its purposes  
9 for a term of years for which such leased property may reasonably be  
10 needed where in the opinion of the board of sewer commissioners such  
11 property may not be needed permanently or substantial savings to the  
12 district can be effected thereby. The right of eminent domain shall be  
13 exercised in the same manner and by the same procedure as provided for  
14 cities and towns, insofar as consistent with the provisions of this  
15 title, except that all assessments or reassessment rolls required to  
16 be filed by eminent domain commissioners or commissioners appointed by  
17 the court shall be prepared and filed by the district, and the duties  
18 devolving upon the city treasurer shall be imposed upon the county  
19 treasurer for the purposes hereof. A sewer district may construct,  
20 condemn and purchase, add to, maintain, and operate systems of sewers  
21 for the purpose of furnishing the district and inhabitants thereof with  
22 an adequate system of sewers for all uses and purposes, public and  
23 private, including but not limited to on-site sewage disposal  
24 facilities, approved septic tanks or approved septic tank systems, on-  
25 site sanitary sewerage systems, inspection programs and maintenance  
26 programs for private and public on-site systems, other facilities,  
27 programs, and systems for the collection, interception, treatment, and  
28 disposal of wastewater, and for the control of pollution from  
29 wastewater and for the protection, preservation, and rehabilitation of  
30 surface and underground waters, facilities for the drainage of storm or  
31 surface waters, public highways, streets, and roads with full authority  
32 to regulate the use, implementation, and operation thereof and the  
33 service rates to be charged and may construct, acquire, or own  
34 buildings and other necessary district facilities. Under this chapter,  
35 after January 1, 1997, any requirements for pumping the septic tank of  
36 an on-site sewage system should be based, among other things, on actual  
37 measurement of accumulation of sludge and scum by a trained operator,  
38 trained owner's agent, or trained owner. Training shall occur in a

1 program approved by the state board of health or by a local health  
2 officer. Such sewage facilities may include facilities which result in  
3 combined sewage disposal, treatment, or drainage and electric  
4 generation, provided that the electricity generated thereby is a  
5 byproduct of the system of sewers. Such electricity may be used by the  
6 sewer district or sold to any entity authorized by law to distribute  
7 electricity. Such electricity is a byproduct when the electrical  
8 generation is subordinate to the primary purpose of sewage disposal,  
9 treatment, or drainage. For such purposes a district may conduct  
10 sewage throughout the district and throughout other political  
11 subdivisions within the district, and construct and lay sewer pipe  
12 along and upon public highways, roads, and streets, within and without  
13 the district, and condemn and purchase or acquire land and rights of  
14 way necessary for such sewer pipe. A district may erect sewage  
15 treatment plants, within or without the district, and may acquire by  
16 purchase or condemnation, properties or privileges necessary to be had  
17 to protect any lakes, rivers, or watercourses and also other areas of  
18 land from pollution, from its sewers or its sewage treatment plant.  
19 For the purposes of sewage facilities which include facilities which  
20 result in combined sewage disposal, treatment, or drainage and electric  
21 generation where the electric generation is a byproduct, nothing in  
22 this section may be construed to authorize a district to condemn  
23 electric generating, transmission, or distribution rights or facilities  
24 of entities authorized by law to distribute electricity, or to acquire  
25 such rights or facilities without the consent of the owner. A district  
26 may charge property owners seeking to connect to the district system of  
27 sewers, as a condition to granting the right to so connect, in addition  
28 to the cost of such connection, such reasonable connection charge as  
29 the board of commissioners shall determine to be proper in order that  
30 such property owners shall bear their equitable share of the cost of  
31 such system. For purposes of calculating a connection charge, the  
32 board of commissioners shall determine the pro rata share of the cost  
33 of existing facilities and facilities planned for construction within  
34 the next ten years and contained in an adopted comprehensive plan and  
35 other costs borne by the district which are directly attributable to  
36 the improvements required by property owners seeking to connect to the  
37 system. The cost of existing facilities shall not include those  
38 portions of the system which have been donated or which have been paid  
39 for by grants.

1 The connection charge may include interest charges applied from the  
2 date of construction of the sewer system until the connection, or for  
3 a period not to exceed ten years, whichever is shorter, at a rate  
4 commensurate with the rate of interest applicable to the district at  
5 the time of construction or major rehabilitation of the sewer system,  
6 or at the time of installation of the sewer lines to which the property  
7 owner is seeking to connect.

8 A district may permit payment of the cost of connection and the  
9 reasonable connection charge to be paid with interest in installments  
10 over a period not exceeding fifteen years. The county treasurer may  
11 charge and collect a fee of three dollars per parcel for each year for  
12 the treasurer's services. Such fees shall be a charge to be included  
13 as part of each annual installment, and shall be credited to the county  
14 current expense fund by the county treasurer. A district may compel  
15 all property owners within the sewer district located within an area  
16 served by the district system of sewers to connect their private drain  
17 and sewer systems with the district system under such penalty as the  
18 sewer commissioners shall prescribe by resolution. The district may  
19 for such purpose enter upon private property and connect the private  
20 drains or sewers with the district system and the cost thereof shall be  
21 charged against the property owner and shall be a lien upon property  
22 served.

23 Revenues from connection charges excluding permit fees are to be  
24 considered payments in aid of construction as defined by department of  
25 revenue rule. Rates or charges imposed under this chapter for on-site  
26 inspection and maintenance services shall reflect the allocable share  
27 of the cost of providing the program or service to the person or entity  
28 paying the charge, and may not be imposed on the development,  
29 construction, or reconstruction of property.

30 Before adopting an on-site inspection and maintenance utility  
31 program, or incorporating residences into an on-site inspection and  
32 maintenance or sewer utility under this chapter, notification shall be  
33 provided, prior to the applicable public hearing, to all residences  
34 within the proposed service area that have on-site systems permitted by  
35 the local health officer. The notice shall clearly state that the  
36 residence is within the proposed service area and shall provide  
37 information on estimated rates or charges that may be imposed for the  
38 service.

1       **Sec. 10.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each  
2 amended to read as follows:

3       The sewer commissioners before ordering any improvements hereunder  
4 or submitting to vote any proposition for incurring indebtedness shall  
5 adopt a general comprehensive plan for a system of sewers for the  
6 district. They shall investigate all portions and sections of the  
7 district and select a general comprehensive plan for a system of sewers  
8 for the district suitable and adequate for present and reasonably  
9 foreseeable future needs thereof. The general comprehensive plan shall  
10 provide for treatment plants and other methods and programs, if any,  
11 for the prevention, control, and reduction of water pollution and for  
12 the treatment and disposal of sewage and industrial and other liquid  
13 wastes now produced or which may reasonably be expected to be produced  
14 within the district and shall, for such portions of the district as may  
15 then reasonably be served, provide for the acquisition or construction  
16 and installation of laterals, trunk sewers, intercepting sewers,  
17 syphons, pumping stations, or other sewage collection facilities. The  
18 general comprehensive plan shall provide the method of distributing the  
19 cost and expense of the sewer system and programs provided therein  
20 against the district and against utility local improvement districts  
21 within the district, including any utility local improvement district  
22 lying wholly or partially within any other political subdivision  
23 included in the district; and provide whether the whole or some part of  
24 the cost and expenses shall be paid from sewer revenue bonds. The  
25 commissioners may employ such engineering and legal services as they  
26 deem necessary in carrying out the purposes hereof.

27       The general comprehensive plan shall be adopted by resolution and  
28 submitted to an engineer designated by the legislative authority of the  
29 county in which fifty-one percent or more of the area of the district  
30 is located, and to the director of health of the county in which the  
31 district or any portion thereof is located, and must be approved in  
32 writing by the engineer and director of health. The general  
33 comprehensive plan shall be approved, conditionally approved, or  
34 rejected by the director of health within sixty days of the plan's  
35 receipt and by the designated engineer within sixty days of the plan's  
36 receipt. However, this sixty-day time limitation may be extended by  
37 the director of health or engineer for up to an additional sixty days  
38 if sufficient time is not available to review adequately the general  
39 comprehensive plans.

1 Before becoming effective, the general comprehensive plan shall  
2 also be submitted to, and approved by resolution of, the legislative  
3 authority of every county within whose boundaries all or a portion of  
4 the sewer district lies. The general comprehensive plan shall be  
5 approved, conditionally approved, or rejected by each of these county  
6 legislative authorities pursuant to the criteria in RCW 56.02.060 for  
7 approving the formation, reorganization, annexation, consolidation, or  
8 merger of sewer districts, and the resolution, ordinance, or motion of  
9 the legislative body which rejects the comprehensive plan or a part  
10 thereof shall specifically state in what particular the comprehensive  
11 plan or part thereof rejected fails to meet these criteria. The  
12 general comprehensive plan shall not provide for the extension or  
13 location of facilities that are inconsistent with the requirements of  
14 RCW 36.70A.110. Nothing in this chapter shall preclude a county from  
15 rejecting a proposed plan because it is in conflict with the criteria  
16 in RCW 56.02.060. Each general comprehensive plan shall be deemed  
17 approved if the county legislative authority fails to reject or  
18 conditionally approve the plan within ninety days of submission to the  
19 county legislative authority or within thirty days of a hearing on the  
20 plan when the hearing is held within ninety days of the plan's  
21 submission to the county legislative authority. However, a county  
22 legislative authority may extend this ninety-day time limitation by up  
23 to an additional ninety days where a finding is made that ninety days  
24 is insufficient to review adequately the general comprehensive plan.  
25 In addition, the sewer commissioners and the county legislative  
26 authority may mutually agree to an extension of the deadlines in this  
27 section.

28 If the district includes portions or all of one or more cities or  
29 towns, the general comprehensive plan shall be submitted also to, and  
30 approved by resolution of, the governing body of such cities and towns  
31 before becoming effective. The general comprehensive plan shall be  
32 deemed approved by the city or town governing body if the city or town  
33 governing body fails to reject or conditionally approve the plan within  
34 ninety days of the plan's submission to the city or town or within  
35 thirty days of a hearing on the plan when the hearing is held within  
36 ninety days of submission to the county legislative authority.  
37 However, a city or town governing body may extend this time limitation  
38 by up to an additional ninety days where a finding is made that  
39 insufficient time exists to adequately review the general comprehensive

1 plan within these time limitations. In addition, the sewer  
2 commissioners and the city or town governing body may mutually agree to  
3 an extension of the deadlines in this section.

4 Before becoming effective, any amendment to, alteration of, or  
5 addition to, a general comprehensive plan shall also be subject to such  
6 approval as if it were a new general comprehensive plan: PROVIDED,  
7 That only if the amendment, alteration, or addition, affects a  
8 particular city or town, shall the amendment, alteration, or addition  
9 be subject to approval by such particular city or town governing body.

10 **Sec. 11.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to  
11 read as follows:

12 The sewer commissioners of any sewer district, in the event that  
13 such sewer revenue bonds are issued, shall provide for revenues by  
14 fixing rates and charges for the furnishing of sewerage disposal  
15 service, facilities, and programs to those to whom such service is  
16 available. Such rates and charges may be combined for the furnishing  
17 of more than one type of sewer service, facility, and program such as  
18 but not limited to storm or surface water and sanitary. Such rates and  
19 charges are to be fixed as deemed necessary by such sewer  
20 commissioners, so that uniform charges will be made for the same class  
21 of customer or service, facility, and program.

22 In classifying customers served or service, facility, or program  
23 furnished by such system of sewerage, the board of commissioners may in  
24 its discretion consider any or all of the following factors: The  
25 difference in cost ((~~of service~~)) to the various customers; the  
26 location of the various customers within and without the district; the  
27 difference in cost of maintenance, operation, repair, and replacement  
28 of the various parts of the system; the different character of the  
29 service, facility, or program furnished various customers; the quantity  
30 and quality of the sewage delivered and the time of its delivery; the  
31 achievement of water conservation goals and the discouragement of  
32 wasteful water use practices; capital contributions made to the system  
33 including but not limited to assessments; and any other matters which  
34 present a reasonable difference as a ground for distinction. Such  
35 rates are to be made on a monthly basis and shall produce revenues  
36 sufficient to take care of the costs of maintenance and operation,  
37 revenue bond and warrant interest and principal amortization



1 requirements, and all other charges necessary for efficient and proper  
2 operation of the system.

3 **Sec. 12.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read  
4 as follows:

5 In addition to the powers now given water districts by law, they  
6 shall also have power to establish, maintain and operate a mutual water  
7 and ~~((sewer))~~ sewerage system or a separate ~~((sewer))~~ system of  
8 sewerage within their water district area in the same manner as  
9 provided by law for the doing thereof in connection with water supply  
10 systems.

11 In addition thereto, a water district constructing, maintaining  
12 ~~((and))~~, operating, and implementing a ~~((sanitary sewer))~~ system of  
13 sewerage may exercise all the powers permitted to a sewer district  
14 under Title 56 RCW, including, but not limited to, the right to compel  
15 connections to the district's system, liens for delinquent sewer  
16 connection charges or sewer service charges, and all other powers  
17 presently exercised by or which may be hereafter granted to such sewer  
18 districts: PROVIDED, That a water district may not exercise sewer  
19 district powers in any area within its boundaries which is part of an  
20 existing district which previously shall have been duly authorized to  
21 exercise sewer district powers in such area without the consent by  
22 resolution of the board of commissioners of such other district:  
23 PROVIDED FURTHER, That no water district shall proceed to exercise the  
24 powers herein granted to establish, maintain, construct and operate any  
25 ~~((sewer))~~ system of sewerage without first obtaining written approval  
26 and certification of necessity so to do from the department of ecology  
27 and department of ~~((social—and))~~ health ~~((services))~~. Any  
28 comprehensive plan for a system of sewers or addition thereto or  
29 betterment thereof shall be approved by the same county and state  
30 officials as are required to approve such plans adopted by a sewer  
31 district.

32 A water district shall have the power to issue general obligation  
33 bonds for sewer system purposes: PROVIDED, That a proposition to  
34 authorize general obligation bonds payable from excess tax levies for  
35 sewer system purposes pursuant to chapter 56.16 RCW shall be submitted  
36 to all of the qualified voters within that part of the water district  
37 which is not contained within another existing district duly authorized  
38 to exercise sewer district powers, and the taxes to pay the principal

1 of and interest on the bonds approved by such voters shall be levied  
2 only upon all of the taxable property within such part of the water  
3 district.

4 **Sec. 13.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read  
5 as follows:

6 (1) The county legislative authority may create a shellfish  
7 protection district on its own motion or by submitting the question to  
8 the voters of the proposed district and obtaining the approval of a  
9 majority of those voting. The boundaries of the district shall be  
10 determined by the legislative authority. The legislative authority may  
11 create more than one district. A district may include any area or  
12 areas within the county, whether incorporated or unincorporated.  
13 Counties shall coordinate and cooperate with cities, towns, and water-  
14 related special districts within their boundaries in establishing  
15 shellfish protection districts and carrying out shellfish protection  
16 programs. Where a portion of the proposed district lies within an  
17 incorporated area, the county shall develop procedures for the  
18 participation of the city or town in the determination of the  
19 boundaries of the district and the administration of the district,  
20 including funding of the district's programs. The legislative  
21 authority of more than one county may by agreement provide for the  
22 creation of a district including areas within each of those counties.  
23 County legislative authorities are encouraged to coordinate their plans  
24 and programs to protect shellfish growing areas, especially where  
25 shellfish growing areas are located within the boundaries of more than  
26 one county. The legislative authority or authorities creating a  
27 district may abolish a shellfish protection district on its or their  
28 own motion or by submitting the question to the voters of the district  
29 and obtaining the approval of a majority of those voting.

30 (2) If the county legislative authority creates a shellfish  
31 protection district by its own motion, any registered voter residing  
32 within the boundaries of the shellfish protection district may file a  
33 referendum petition to repeal the ordinance that created the district.  
34 Any referendum petition to repeal the ordinance creating the shellfish  
35 protection district shall be filed with the county auditor within seven  
36 days of passage of the ordinance. Within ten days of the filing of a  
37 petition, the county auditor shall confer with the petitioner  
38 concerning form and style of the petition, issue an identification

1 number for the petition, and write a ballot title for the measure. The  
2 ballot title shall be posed as a question so that an affirmative answer  
3 to the question and an affirmative vote on the measure results in  
4 creation of the shellfish protection district and a negative answer to  
5 the question and a negative vote on the measure results in the  
6 shellfish protection district not being created. The petitioner shall  
7 be notified of the identification number and ballot title within this  
8 ten-day period.

9 After this notification, the petitioner shall have thirty days in  
10 which to secure on petition forms the signatures of not less than  
11 twenty-five percent of the registered voters residing within the  
12 boundaries of the shellfish protection district and file the signed  
13 petitions with the county auditor. Each petition form shall contain  
14 the ballot title and full text of the measure to be referred. The  
15 county auditor shall verify the sufficiency of the signatures on the  
16 petitions. If sufficient valid signatures are properly submitted, the  
17 county auditor shall submit the referendum measure to the registered  
18 voters residing in the shellfish protection district in a special  
19 election no later than one hundred twenty days after the signed  
20 petition has been filed with the county auditor. The special election  
21 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

22 (3) The county legislative authority shall not impose fees, rates,  
23 or charges for shellfish protection district programs upon properties  
24 on which fees, rates, or charges are imposed (~~(to pay for another~~  
25 ~~program to eliminate or decrease contamination in storm water runoff)~~)  
26 under chapter 36.89 or 36.94 RCW for substantially the same programs  
27 and services.

28 NEW SECTION. **Sec. 14.** Nothing in this act may be deemed to  
29 eliminate any requirements for approval from public health agencies  
30 under applicable law in connection with the siting, design,  
31 construction, and repair of on-site septic systems.

32 NEW SECTION. **Sec. 15.** Section 8 of this act shall take effect  
33 January 1, 1996.

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