

2 **SSB 5636 - H COMM AMD ADOPTED 3-5-98**  
3 By Committee on Natural Resources

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

7 "Sec. 1. RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended  
8 to read as follows:

9 (1) Local boards of health shall identify failing septic tank  
10 drainfield systems in the normal manner and will use reasonable effort  
11 to determine new failures. The local health officer, environmental  
12 health director, or equivalent officer may apply for an administrative  
13 search warrant to a court official authorized to issue a criminal  
14 search warrant. The warrant may only be applied for after the local  
15 health officer or the health officer's designee has requested  
16 inspection of the person's property under the specific administrative  
17 plan required in this section, and the person has refused the health  
18 officer or the health officer's designee access to the person's  
19 property. Timely notice must be given to any affected person that a  
20 warrant is being requested and that the person may be present at any  
21 court proceeding to consider the requested search warrant. The court  
22 official may issue the warrant upon probable cause. A request for a  
23 search warrant must show the inspection, examination, test, or sampling  
24 is in response to pollution in commercial or recreational shellfish  
25 harvesting areas or pollution in fresh water. A specific  
26 administrative plan must be developed expressly in response to the  
27 pollution. The local health officer, environmental health director, or  
28 equivalent officer shall submit the plan to the court as part of the  
29 justification for the warrant, along with specific evidence showing  
30 that it is reasonable to believe pollution is coming from the septic  
31 system on the property to be accessed for inspection. The plan must  
32 include each of the following elements:

- 33 (a) The overall goal of the inspection;  
34 (b) The location and identification by address of the properties  
35 being authorized for inspection;

1        (c) Requirements for giving the person owning the property and the  
2 person occupying the property if it is someone other than the owner,  
3 notice of the plan, its provisions, and times of any inspections;  
4        (d) The survey procedures to be used in the inspection;  
5        (e) The criteria that would be used to define an on-site sewage  
6 system failure; and  
7        (f) The follow-up actions that would be pursued once an on-site  
8 sewage system failure has been identified and confirmed.  
9        (2) Discretionary judgment will be made in implementing corrections  
10 by specifying nonwater-carried sewage disposal devices or other  
11 alternative methods of treatment and effluent disposal as a measure of  
12 ameliorating existing substandard conditions. Local regulations shall  
13 be consistent with the intent and purposes stated ((herein)) in this  
14 section."

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