

2 SHB 1750 - S AMD - 487
3 By Senators Winsley and Prentice

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.67 RCW
8 to read as follows:

9 Cities, towns, or counties may not require existing mobile home
10 parks to replace existing, functional septic systems with a sewer
11 system within the community unless the local board of health determines
12 that the septic system is failing.

13 Local boards of health shall identify failing septic tank
14 drainfield systems in mobile home parks in the normal manner and will
15 use reasonable effort to determine new failures. The local health
16 officer or his or her designee may apply for an administrative search
17 warrant to a court official authorized to issue a criminal search
18 warrant. The warrant may only be applied for after the local health
19 officer has requested inspection of the person's property pursuant to
20 the specific administrative plan in this section and the person has
21 refused the health officer or his or her designee access to the
22 person's property. Timely notice must be given to any affected person
23 that a warrant is being requested and the person may be present at any
24 court proceeding to consider the requested search warrant. The court
25 official may issue the warrant upon probable cause. It is sufficient
26 probable cause to show the inspection, examination, test, or sampling
27 is in response to visible evidence in the drainfield or other proximate
28 area that indicates the probability of system failure, or results of
29 scientifically recognized tests of ground or surface water in the area
30 that indicate the probability of system failure. A specific
31 administrative plan must be developed expressly in response to the
32 pollution. The local health officer shall submit the plan to the court
33 as part of the justification for the warrant. The plan must include
34 each of the following elements:

35 (1) The overall goal of the inspection;

1 (2) The location and identification by address of the properties
2 being authorized for inspection by the health officer;

3 (3) Requirements for giving the person owning the property notice
4 of the plan, its provisions, and times of any inspections;

5 (4) The survey procedures to be used in the inspection;

6 (5) The criteria that would be used to define an on-site sewage
7 system failure; and

8 (6) The follow-up actions that would be pursued once an on-site
9 sewage system failure has been identified and confirmed.

10 Discretionary judgment will be made in implementing corrections by
11 specifying nonwater-carried sewage disposal devices or other
12 alternative methods of treatment and effluent disposal as a measure of
13 ameliorating existing substandard conditions. Local regulations shall
14 be consistent with the intent and purposes stated herein."

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18 On page 1, line 1 of the title, after "systems;" strike the
19 remainder of the title and insert "and adding a new section to chapter
20 35.67 RCW."

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