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**SUBSTITUTE SENATE BILL 5636**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Oke, Swecker, Rossi and Horn)

Read first time 03/03/97.

1 AN ACT Relating to health inspection warrants; and amending RCW  
2 70.118.030.

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

4 **Sec. 1.** RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended  
5 to read as follows:

6 Local boards of health shall identify failing septic tank  
7 drainfield systems in the normal manner and will use reasonable effort  
8 to determine new failures. The local health officer or his or her  
9 designee may apply for an administrative search warrant to a court  
10 official authorized to issue a criminal search warrant. The warrant  
11 may only be applied for after the local health officer has requested  
12 inspection of the person's property pursuant to the specific  
13 administrative plan in this section and the person has refused the  
14 health officer or his or her designee access to the person's property.  
15 Timely notice must be given to any affected person that a warrant is  
16 being requested and the person may be present at any court proceeding  
17 to consider the requested search warrant. The court official may issue  
18 the warrant upon probable cause. It is sufficient probable cause to  
19 show the inspection, examination, test, or sampling is in response to

1 pollution in commercial or recreational shellfish harvesting areas. A  
2 specific administrative plan must be developed expressly in response to  
3 the pollution. The local health officer shall submit the plan to the  
4 court as part of the justification for the warrant. The plan must  
5 include each of the following elements:

6 (1) The overall goal of the inspection;

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

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

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

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

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

16 Discretionary judgment will be made in implementing corrections by  
17 specifying nonwater-carried sewage disposal devices or other  
18 alternative methods of treatment and effluent disposal as a measure of  
19 ameliorating existing substandard conditions. Local regulations shall  
20 be consistent with the intent and purposes stated herein.

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