
SENATE BILL 5636

State of Washington

55th Legislature

1997 Regular Session

By Senators Oke, Swecker, Rossi and Horn

Read first time 02/04/97. Referred to Committee on Natural Resources & Parks.

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 court
11 official shall issue the warrant upon probable cause. It is sufficient
12 probable cause to show the inspection, examination, test, or sampling
13 is in response to pollution in commercial or recreational shellfish
14 harvesting areas. A specific administrative plan must be developed
15 expressly in response to the pollution. The local health officer shall
16 submit the plan to the court as part of the justification for the
17 warrant. The plan must include each of the following elements:

18 (1) The overall goal of the inspection;

1 (2) A legal description of the geographic areas to be included in
2 the inspection;

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

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

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

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

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