
SUBSTITUTE SENATE BILL 5838

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Morton and Winsley)

Read first time 02/28/97.

1 AN ACT Relating to sewage disposal; adding a new section to chapter
2 70.05 RCW; adding new sections to chapter 70.118 RCW; adding a new
3 section to chapter 57.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW
6 to read as follows:

7 (1) The local health officer must respond to the applicant for an
8 on-site sewage system permit within thirty days after receiving a fully
9 completed application. The local health officer must respond that the
10 application is either approved, denied, or pending.

11 (2) If the local health officer denies an application to install an
12 on-site sewage system, the denial must be for cause and based upon
13 public health and environmental protection concerns, including concerns
14 regarding the ability to operate and maintain the system, or conflicts
15 with other existing laws, regulations, or ordinances. The local health
16 officer must provide the applicant with a written justification for the
17 denial, along with an explanation of the procedure for appeal.

18 (3) If the local health officer identifies the application as
19 pending and subject to review beyond thirty days, the local health

1 officer must provide the applicant with a written justification that
2 the site-specific conditions or circumstances necessitate a longer time
3 period for a decision on the application. The local health officer
4 must include any specific information necessary to make a decision and
5 the estimated time required for a decision to be made.

6 (4) A local health officer may not limit the number of alternative
7 sewage systems within his or her jurisdiction without cause. Any such
8 limitation must be based upon public health and environmental
9 protection concerns, including concerns regarding the ability to
10 operate and maintain the system, or conflicts with other existing laws,
11 regulations, or ordinances. If such a limitation is established, the
12 local health officer must justify the limitation in writing, with
13 specific reasons, and must provide an explanation of the procedure for
14 appealing the limitation.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.118 RCW
16 to read as follows:

17 The department of health must include one person who is familiar
18 with the operation and maintenance of certified proprietary devices on
19 the technical review committee responsible for evaluating and making
20 recommendations to the department of health regarding the general use
21 of alternative on-site sewage systems in the state.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 57.04 RCW
23 to read as follows:

24 (1) As an alternative means to forming a water-sewer district, a
25 county legislative authority may authorize the formation of a water-
26 sewer district to serve a new development that at the time of formation
27 does not have any residents, at written request of sixty percent of the
28 owners of the area to be included in the proposed district. The county
29 legislative authority shall review the proposed district according to
30 the procedures and criteria in RCW 57.02.040.

31 (2) The county legislative authority shall appoint the initial
32 water-sewer commissioners of the district. The commissioners shall
33 serve until seventy-five percent of the development is sold and
34 occupied, or until some other time as specified by the county
35 legislative authority when the district is approved. Commissioners
36 serving under this section are not entitled to any form of compensation
37 from the district.

1 (3) New commissioners shall be elected according to the procedures
2 in chapter 57.12 RCW at the next election held under RCW 29.13.010 that
3 follows more than ninety days after the date seventy-five percent of
4 the development is sold and occupied, or after the time specified by
5 the county legislative authority when the district is approved.

6 (4) A water-sewer district created under this section may be
7 transferred to a city or county, or dissolved if the district is
8 inactive, by order of the county legislative authority at the written
9 request of sixty percent of the owners of the area included in the
10 district.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.118 RCW
12 to read as follows:

13 In order to assure that technical guidelines and standards keep
14 pace with advancing technologies, the department of health in
15 collaboration with the technical review committee, local health
16 departments, and other interested parties, must review and update as
17 appropriate, the state guidelines and standards for alternative on-site
18 sewage disposal every three years. The first review and update must be
19 completed by January 1, 1999.

20 NEW SECTION. **Sec. 5.** Nothing in this act may be deemed to
21 eliminate any requirements for approval from public health agencies
22 under applicable law in connection with the siting, design,
23 construction, and repair of on-site septic systems.

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