
HOUSE BILL 2929

State of Washington

56th Legislature

2000 Regular Session

By Representatives McDonald and Linville

Read first time 01/24/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to on-site sewage disposal systems; amending RCW
2 70.118.020; adding new sections to chapter 70.118 RCW; creating new
3 sections; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature enacted chapter 263, Laws of
6 1999 to help address problems with failing septic systems. As part of
7 chapter 263, Laws of 1999, a work group was created to develop
8 recommendations regarding financial assurances of on-site sewage
9 disposal system practitioners, including bonding, insurance, risk
10 pools, and similar methods. This work group submitted its
11 recommendations to the legislature on December 1, 1999.
12 Recommendations developed by the work group include the development of
13 a data collection system that documents the number and types of
14 systems, locations within the state by region, the frequency of repair,
15 and the diagnosed factors leading to repair, as well as the development
16 of a model program that identifies the authorities, roles, and
17 responsibilities of the designer, installer, and homeowner.

18 The legislature recognizes that a major source of nonpoint
19 pollution is failing on-site sewage disposal systems. The 1999-2001

1 Puget Sound water quality work plan, developed by the Puget Sound water
2 quality action team, indicates that local governments have reported
3 failure rates for on-site sewage disposal systems of up to twenty-five
4 percent along the shoreline of Puget Sound. Pollution from these
5 failing systems poses a risk to public health and water quality, and
6 significantly impacts the shellfish industry. The general public is
7 also exposed to significant health risks when sewage is discharged upon
8 the ground or into surface or ground waters. The legislature finds
9 that the public health and water quality can be better protected by:
10 The development of better data; the development of clear lines of
11 responsibility between the designer, installers, and homeowners; and
12 clarifications to the existing law regarding on-site sewage disposal
13 systems.

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

16 If a local health officer requires the drainfield, sand filter, or
17 mound portion of an on-site sewage disposal system to be dug open to
18 determine the condition of the drainfield, sand filter, or mound, the
19 local health officer shall require the installation of an inspection
20 portal or portals in order to monitor the drainfield, sand filter, or
21 mound in an easy and cost-effective manner. Any on-site sewage
22 disposal system installed or repaired after the effective date of this
23 section must: (1) Contain an inspection portal or portals in any
24 drainfield, sand filter, or mound; and (2) be equipped with watertight
25 risers in any septic tank openings requiring maintenance.

26 **Sec. 3.** RCW 70.118.020 and 1994 c 281 s 2 are each amended to read
27 as follows:

28 As used in this chapter, the terms defined in this section shall
29 have the meanings indicated unless the context clearly indicates
30 otherwise.

31 (1) "Nonwater-carried sewage disposal devices" means any device
32 that stores and treats nonwater-carried human urine and feces.

33 (2) "Alternative methods of effluent disposal" means systems
34 approved by the department of health, including at least, mound
35 systems, alternating drainfields, anaerobic filters, evapotranspiration
36 systems, and aerobic systems.

1 (3) "Failure" means: (a) Effluent has been discharged on the
2 surface of the ground prior to approved treatment; or (b) effluent has
3 percolated to the surface of the ground; or (c) effluent has
4 contaminated or threatens to contaminate a ground water supply; or (d)
5 a drainfield, sand filter, or mound has become saturated. For purposes
6 of this subsection, "saturated" means an inability to absorb
7 wastewater, which may be exhibited by a pumped tank filling from the
8 backflow from the drainfield, sand filter, or mound. A failing system
9 does not include those systems that are temporarily inoperable due to
10 the occurrence of a flood.

11 (4) "Additive" means any commercial product intended to affect the
12 performance or aesthetics of an on-site sewage disposal system.

13 (5) "Department" means the department of health.

14 (6) "On-site sewage disposal system" means any system of piping,
15 treatment devices, or other facilities that convey, store, treat, or
16 dispose of sewage on the property where it originates or on nearby
17 property under the control of the user where the system is not
18 connected to a public sewer system. For purposes of this chapter, an
19 on-site sewage disposal system does not include indoor plumbing and
20 associated fixtures.

21 (7) "Chemical additive" means those additives containing acids,
22 bases, or other chemicals deemed unsafe by the department for use in an
23 on-site sewage disposal system.

24 (8) "Additive manufacturer" means any person who manufactures,
25 formulates, blends, packages, or repackages an additive product for
26 sale, use, or distribution within the state.

27 NEW SECTION. Sec. 4. The department of health shall develop a
28 model program pertaining to on-site sewage disposal systems that
29 describes the authorities, roles, and responsibilities of designers,
30 installers, and homeowners. In developing the model program, the
31 department shall involve local health jurisdictions, owners of on-site
32 sewage disposal systems, and on-site sewage disposal system designers
33 and builders. The meetings to develop the model program shall be open
34 to the public, and time shall be allocated at each meeting to receive
35 public comment. The model program has no binding effect on the
36 liability of any party, but shall be used in the future development of
37 a cost-effective recovery system for consumers of on-site sewage
38 disposal systems. The department of health shall report its

1 recommendations and model to the office of financial management and the
2 appropriate legislative committees by July 1, 2001.

3 NEW SECTION. **Sec. 5.** The department of health shall develop
4 recommendations for establishing a state-wide system of risk assessment
5 data for on-site sewage disposal systems. The department shall consult
6 with local health jurisdictions in developing the recommendations. The
7 recommendations shall address how local governments will maintain and
8 transmit information to the department pertaining to on-site sewage
9 disposal systems. Information that shall be considered when developing
10 the recommendations for the system of risk assessment data include the
11 number and types of on-site sewage disposal systems, the frequency of
12 repair by geographic regions, factors leading to repair by general
13 category, and funding for the state and local governments to develop
14 and maintain the system of data. Nothing in this section requires a
15 local board of health to collect information concerning why an on-site
16 sewage disposal system failed prior to the development of the system.
17 The department of health shall submit its recommendations to the office
18 of financial management and the appropriate legislative committees by
19 January 1, 2001.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.118 RCW
21 to read as follows:

22 Whenever a local health officer determines that a person has
23 intentionally discharged effluent onto the surface of the ground, or
24 into surface or ground water, or has installed a bypass to an on-site
25 sewage disposal system that results in such a discharge, and the person
26 causing the discharge is a designer, installer, pumper, or other on-
27 site sewage disposal system professional subject to department of
28 health guidelines for on-site sewage disposal system work, the local
29 board of health must suspend the license, certification, permit, or
30 other authority of the on-site sewage disposal system professional for
31 a minimum of thirty days. The suspension under this section is in
32 addition to any civil or criminal penalty that may be imposed by the
33 local board of health or the department of health. This section does
34 not apply when the discharge is authorized by a local health officer as
35 the only realistic method of final disposal of treated effluent.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.118 RCW
2 to read as follows:

3 If a local health officer receives a report from a pumper of an on-
4 site sewage disposal system, a maintenance specialist, or another on-
5 site sewage disposal system professional that an on-site sewage
6 disposal system has failed, the local health officer, environmental
7 health director, or equivalent officer may apply for an administrative
8 search warrant to inspect the system if the person occupying the
9 property refuses access to the property. The report from the on-site
10 sewage disposal system professional constitutes probable cause for the
11 issuance of the warrant.

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