

**SUBSTITUTE HOUSE BILL 2066**

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Select Committee on Environmental Health  
(originally sponsored by Representatives Hunt, Campbell, Upthegrove  
and Schual-Berke; by request of Department of Health)

READ FIRST TIME 02/28/07.

1            AN ACT Relating to clarifying regulatory authority for large on-  
2 site sewage systems; amending RCW 70.05.070, 43.20.050, 90.48.162,  
3 90.48.110, 36.94.010, and 43.21B.110; adding new sections to chapter  
4 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new  
5 section; and prescribing penalties.

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

**PART 1**

**CREATING A NEW CHAPTER DEDICATED TO LARGE ON-SITE  
SEWAGE SYSTEMS**

10            NEW SECTION.    **Sec. 1.** FINDINGS AND INTENT.    The legislature finds  
11 that:

12            (1) Protection of the environment and public health requires  
13 properly designed, operated, and maintained on-site sewage systems.  
14 Failure of those systems can pose certain health and environmental  
15 hazards if sewage leaks above ground or if untreated sewage reaches  
16 surface or groundwater.

17            (2) Chapter 70.118A RCW provides a framework for ongoing management  
18 of on-site sewage systems located in marine recovery areas and

1 regulated by local health jurisdictions under state board of health  
2 rules. This chapter will provide a framework for comprehensive  
3 management of large on-site sewage systems statewide.

4 (3) The primary purpose of this chapter is to establish, in a  
5 single state agency, comprehensive regulation of the design, operation,  
6 and maintenance of large on-site sewage systems, and their operators,  
7 that provides both public health and environmental protection. To  
8 accomplish these purposes, this chapter provides for:

9 (a) The permitting and continuing oversight of large on-site sewage  
10 systems;

11 (b) The establishment by the department of standards and rules for  
12 the siting, design, construction, installation, operation, maintenance,  
13 and repair of large on-site sewage systems; and

14 (c) The enforcement by the department of the standards and rules  
15 established under this chapter.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
17 section apply throughout this chapter unless the context clearly  
18 requires otherwise.

19 (1) "Department" means the state department of health.

20 (2) "Industrial wastewater" means the water or liquid carried waste  
21 from an industrial process. These wastes may result from any process  
22 or activity of industry, manufacture, trade, or business, from the  
23 development of any natural resource, or from animal operations such as  
24 feedlots, poultry houses, or dairies. The term includes contaminated  
25 storm water and leachate from solid waste facilities.

26 (3) "Large on-site sewage system" means an on-site sewage system  
27 with design flows of between three thousand five hundred gallons per  
28 day and one hundred thousand gallons per day.

29 (4) "On-site sewage system" means an integrated system of  
30 components, located on or nearby the property it serves, that conveys,  
31 stores, treats, and provides subsurface soil treatment and disposal of  
32 domestic sewage. It consists of a collection system, a treatment  
33 component or treatment sequence, and a subsurface soil disposal  
34 component. It may or may not include a mechanical treatment system.  
35 An on-site sewage system also refers to a holding tank sewage system or  
36 other system that does not have a soil dispersal component. A system

1 into which storm water or industrial wastewater is discharged is not  
2 included in the definition of on-site sewage system.

3 (5) "Person" means any individual, corporation, company,  
4 association, firm, partnership, governmental agency, or any other  
5 entity whatsoever, and the authorized agents of any such entities.

6 (6) "Secretary" means the secretary of health.

7 (7) "Waters of the state" has the same meaning as defined in RCW  
8 90.48.020.

9 NEW SECTION. **Sec. 3.** AUTHORIZING THE DEPARTMENT TO PROVIDE  
10 COMPREHENSIVE REGULATION OF LARGE ON-SITE SEWAGE SYSTEMS. (1) For the  
11 protection of human health and the environment the department shall:

12 (a) Establish and provide for the comprehensive regulation of large  
13 on-site sewage systems including, but not limited to, system siting,  
14 design, construction, installation, operation, maintenance, and repair;

15 (b) Control and prevent pollution of streams, lakes, rivers, ponds,  
16 inland waters, salt waters, water courses, and other surface and  
17 underground waters of the state of Washington, except to the extent  
18 authorized by permits issued under this chapter;

19 (c) Issue annual operating permits for large on-site sewage systems  
20 based on the system's ability to function properly in compliance with  
21 the applicable comprehensive regulatory requirements; and

22 (d) Enforce the large on-site sewage system requirements.

23 (2) Large on-site sewage systems permitted by the department may  
24 not be used for treatment and disposal of industrial wastewater or  
25 combined sanitary sewer and storm water systems.

26 (3) The work group convened under RCW 70.118A.080(4) to make  
27 recommendations to the appropriate committees of the legislature for  
28 the development of certification or licensing of maintenance  
29 specialists shall include recommendations for the development of  
30 certification or licensing of large on-site system operators.

31 NEW SECTION. **Sec. 4.** ANNUAL OPERATING PERMITS REQUIRED--  
32 APPLICATION. (1) A person may not install or operate a large on-site  
33 sewage system without an operating permit as provided in this chapter  
34 after July 1, 2009. The owner of the system is responsible for  
35 obtaining a permit.

1 (2) The department shall issue operating permits in accordance with  
2 the rules adopted under section 5 of this act.

3 (3) The department shall ensure the system meets all applicable  
4 siting, design, construction, and installation requirements prior to  
5 issuing an initial operating permit. Prior to renewing an operating  
6 permit, the department may review the performance of the system to  
7 determine compliance with rules and any permit conditions.

8 (4) At the time of initial permit application or at the time of  
9 permit renewal the department shall impose those permit conditions,  
10 requirements for system improvements, and compliance schedules as it  
11 determines are reasonable and necessary to ensure that the system will  
12 be operated and maintained properly. Each application must be  
13 accompanied by a fee as established in rules adopted by the department.

14 (5) Operating permits shall be issued for a term of one year, and  
15 shall be renewed annually, unless the operator fails to apply for a new  
16 permit or the department finds good cause to deny the application for  
17 renewal.

18 (6) Each permit may be issued only for the site and owner named in  
19 the application. Permits are not transferable or assignable except  
20 with the written approval of the department.

21 (7) The department may deny an application for a permit or modify,  
22 suspend, or revoke a permit in any case in which it finds that the  
23 permit was obtained by fraud or there is or has been a failure,  
24 refusal, or inability to comply with the requirements of this chapter  
25 or the standards or rules adopted under this chapter. RCW 43.70.115  
26 governs notice of denial, revocation, suspension, or modification and  
27 provides the right to an adjudicative proceeding for systems that  
28 dispose of between three thousand five hundred and fourteen thousand  
29 five hundred gallons per day of wastewater under this section. Chapter  
30 43.21B RCW provides the right to an adjudicative proceeding regarding  
31 the initial issuance, denial, or modification of a permit for systems  
32 that dispose of between fourteen thousand five hundred and one hundred  
33 thousand gallons per day of wastewater under this section.

34 (8) The department shall ensure adequate public notification and  
35 opportunity for public review and comment of an initial proposed permit  
36 for siting, denial, revocation, suspension, or modification of a large  
37 on-site sewage system. Methods of providing notice may include

1 electronic mail, posting on the department's internet site, publication  
2 in a local newspaper, press releases, mailings, and other information  
3 that the department may determine appropriate.

4 (9) Any permit issued by the department of ecology for a large  
5 on-site sewage system under chapter 90.48 RCW is valid until it first  
6 expires after the effective date of this section. The system owner  
7 shall apply for an operating permit at least one hundred twenty days  
8 prior to expiration of the department of ecology permit.

9 (10) Systems required to meet operator certification requirements  
10 under chapter 70.95B RCW must continue to meet those requirements as a  
11 condition of the department operating permit.

12 NEW SECTION. **Sec. 5.** RULE MAKING. (1) For the protection of  
13 human health and the environment, the secretary shall adopt rules for  
14 the comprehensive regulation of large on-site sewage systems, which  
15 includes, but is not limited to, the siting, design, construction,  
16 installation, maintenance, repair, and permitting of the systems.

17 (2) In adopting the rules, the secretary shall, in consultation  
18 with the department of ecology, require that large on-site sewage  
19 systems comply with the applicable sections of chapter 90.48 RCW  
20 regarding control and prevention of pollution of waters of the state,  
21 including but not limited to:

22 (a) Surface and ground water standards established under RCW  
23 90.48.035; and

24 (b) Those provisions requiring all known, available, and reasonable  
25 methods of treatment.

26 (3) In adopting the rules, the secretary shall ensure that  
27 requirements for large on-site sewage systems are consistent with the  
28 requirements of any comprehensive plans or development regulations  
29 adopted under chapter 36.70A RCW or any other applicable comprehensive  
30 plan, land use plan, or development regulation adopted by a city, town,  
31 or county.

32 NEW SECTION. **Sec. 6.** CIVIL PENALTIES. (1) A person who violates  
33 a law or rule regulating on-site sewage systems administered by the  
34 department is subject to a penalty of not more than ten thousand  
35 dollars per day for every violation. Every violation is a separate and  
36 distinct offense. In case of a continuing violation, each day's

1 continuing violation is a separate and distinct violation. The penalty  
2 assessed must reflect the significance of the violation and the  
3 previous record of compliance on the part of the person responsible for  
4 compliance with on-site sewage system requirements.

5 (2) Every person who, through an act of commission or omission,  
6 procures, aids, or abets a violation is considered to have violated the  
7 provisions of this section and is subject to the penalty provided in  
8 this section.

9 (3) The penalty provided for in this section must be imposed by a  
10 notice in writing to the person against whom the civil penalty is  
11 assessed and must describe the violation. The notice must be  
12 personally served in the manner of service of a summons in a civil  
13 action or in a manner that shows proof of receipt. A penalty imposed  
14 by this section is due twenty-eight days after receipt of notice unless  
15 application for an adjudicative proceeding is filed as provided in  
16 subsection (4) of this section.

17 (4) Within twenty-eight days after notice is received, the person  
18 incurring the penalty may file an application for an adjudicative  
19 proceeding and may pursue subsequent review as provided in chapter  
20 34.05 RCW and applicable rules.

21 (5) A penalty imposed by a final administrative order is due upon  
22 service of the final administrative order. A person who fails to pay  
23 a penalty assessed by a final administrative order within thirty days  
24 of service of the final administrative order shall pay, in addition to  
25 the amount of the penalty, interest at the rate of one percent of the  
26 unpaid balance of the assessed penalty for each month or part of a  
27 month that the penalty remains unpaid, commencing with the month in  
28 which the notice of penalty was served, and reasonable attorneys' fees  
29 as are incurred if civil enforcement of the final administrative order  
30 is required to collect the penalty.

31 (6) A person who institutes proceedings for judicial review of a  
32 final administrative order assessing a civil penalty under this chapter  
33 shall place the full amount of the penalty in an interest-bearing  
34 account in the registry of the reviewing court. At the conclusion of  
35 the proceeding the court shall, as appropriate, enter a judgment on  
36 behalf of the department and order that the judgment be satisfied to  
37 the extent possible from moneys paid into the registry of the court or  
38 shall enter a judgment in favor of the person appealing the penalty

1 assessment and order return of the moneys paid into the registry of the  
2 court together with accrued interest to the person appealing. The  
3 judgment may award reasonable attorneys' fees for the cost of the  
4 attorney general's office in representing the department.

5 (7) If no appeal is taken from a final administrative order  
6 assessing a civil penalty under this chapter, the department may file  
7 a certified copy of the final administrative order with the clerk of  
8 the superior court in which the on-site sewage system is located or in  
9 Thurston county, and the clerk shall enter judgment in the name of the  
10 department and in the amount of the penalty assessed in the final  
11 administrative order.

12 (8) A judgment entered under subsection (6) or (7) of this section  
13 has the same force and effect as, and is subject to all of the  
14 provisions of law relating to, a judgment in a civil action, and may be  
15 enforced in the same manner as any other judgment of the court in which  
16 it is entered.

17 (9) The large on-site sewage systems account is created in the  
18 custody of the state treasurer. All receipts from penalties imposed  
19 under this section shall be deposited into the account. Expenditures  
20 from the account shall be used by the department to provide training  
21 and technical assistance to on-site sewage system owners and operator.  
22 Only the secretary or the secretary's designee may authorize  
23 expenditures from the account. The account is subject to allotment  
24 procedures under chapter 43.88 RCW, but an appropriation is not  
25 required for expenditures.

26 NEW SECTION. **Sec. 7.** INJUNCTIONS. Notwithstanding the existence  
27 or use of any other remedy, the department may bring an action to  
28 enjoin a violation or threatened violation of this chapter or rules  
29 adopted under this chapter. The department may bring the action in the  
30 superior court of the county in which the large on-site sewage system  
31 is located or in the superior court of Thurston county.

32 NEW SECTION. **Sec. 8.** The authority and duties created in this  
33 chapter are in addition to any authority and duties already provided in  
34 law. Nothing in this chapter limits the powers of the state or any  
35 political subdivision to exercise such authority.

1 PART 2

2 AMENDING CHAPTERS 70.118 AND 70.05 RCW TO ENHANCE LOCAL  
3 HEALTH OFFICER ENFORCEMENT AUTHORITY REGARDING ON-SITE SYSTEMS

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.118 RCW  
5 to read as follows:

6 CIVIL PENALTIES. A local health officer who is responsible for  
7 administering and enforcing regulations regarding on-site sewage  
8 disposal systems is authorized to issue civil penalties for violations  
9 of those regulations under the same limitations and requirements  
10 imposed on the department under section 6 of this act, except that  
11 judgments shall be entered in the name of the local health jurisdiction  
12 and penalties shall be placed into the general fund or funds of the  
13 entity or entities operating the local health jurisdiction.

14 **Sec. 10.** RCW 70.05.070 and 1999 c 391 s 5 are each amended to read  
15 as follows:

16 The local health officer, acting under the direction of the local  
17 board of health or under direction of the administrative officer  
18 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

19 (1) Enforce the public health statutes of the state, rules of the  
20 state board of health and the secretary of health, and all local health  
21 rules, regulations and ordinances within his or her jurisdiction  
22 including imposition of penalties authorized under RCW 70.119A.030 and  
23 section 9 of this act, the confidentiality provisions in RCW 70.24.105  
24 and rules adopted to implement those provisions, and filing of actions  
25 authorized by RCW 43.70.190;

26 (2) Take such action as is necessary to maintain health and  
27 sanitation supervision over the territory within his or her  
28 jurisdiction;

29 (3) Control and prevent the spread of any dangerous, contagious or  
30 infectious diseases that may occur within his or her jurisdiction;

31 (4) Inform the public as to the causes, nature, and prevention of  
32 disease and disability and the preservation, promotion and improvement  
33 of health within his or her jurisdiction;

34 (5) Prevent, control or abate nuisances which are detrimental to  
35 the public health;

36 (6) Attend all conferences called by the secretary of health or his  
37 or her authorized representative;



1 (7) Collect such fees as are established by the state board of  
2 health or the local board of health for the issuance or renewal of  
3 licenses or permits or such other fees as may be authorized by law or  
4 by the rules of the state board of health;

5 (8) Inspect, as necessary, expansion or modification of existing  
6 public water systems, and the construction of new public water systems,  
7 to assure that the expansion, modification, or construction conforms to  
8 system design and plans;

9 (9) Take such measures as he or she deems necessary in order to  
10 promote the public health, to participate in the establishment of  
11 health educational or training activities, and to authorize the  
12 attendance of employees of the local health department or individuals  
13 engaged in community health programs related to or part of the programs  
14 of the local health department.

15 **PART 3**

16 **AMENDING STATE BOARD OF HEALTH RULE-MAKING AUTHORITY FOR**  
17 **ON-SITE SEWAGE SYSTEMS**

18 **Sec. 11.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to  
19 read as follows:

20 (1) The state board of health shall provide a forum for the  
21 development of public health policy in Washington state. It is  
22 authorized to recommend to the secretary means for obtaining  
23 appropriate citizen and professional involvement in all public health  
24 policy formulation and other matters related to the powers and duties  
25 of the department. It is further empowered to hold hearings and  
26 explore ways to improve the health status of the citizenry.

27 (a) At least every five years, the state board shall convene  
28 regional forums to gather citizen input on public health issues.

29 (b) Every two years, in coordination with the development of the  
30 state biennial budget, the state board shall prepare the state public  
31 health report that outlines the health priorities of the ensuing  
32 biennium. The report shall:

33 (i) Consider the citizen input gathered at the forums;

34 (ii) Be developed with the assistance of local health departments;

35 (iii) Be based on the best available information collected and

1 reviewed according to RCW 43.70.050 and recommendations from the  
2 council;

3 (iv) Be developed with the input of state health care agencies. At  
4 least the following directors of state agencies shall provide timely  
5 recommendations to the state board on suggested health priorities for  
6 the ensuing biennium: The secretary of social and health services, the  
7 health care authority administrator, the insurance commissioner, the  
8 superintendent of public instruction, the director of labor and  
9 industries, the director of ecology, and the director of agriculture;

10 (v) Be used by state health care agency administrators in preparing  
11 proposed agency budgets and executive request legislation;

12 (vi) Be submitted by the state board to the governor by January 1st  
13 of each even-numbered year for adoption by the governor. The governor,  
14 no later than March 1st of that year, shall approve, modify, or  
15 disapprove the state public health report.

16 (c) In fulfilling its responsibilities under this subsection, the  
17 state board may create ad hoc committees or other such committees of  
18 limited duration as necessary.

19 (2) In order to protect public health, the state board of health  
20 shall:

21 (a) Adopt rules necessary to assure safe and reliable public  
22 drinking water and to protect the public health. Such rules shall  
23 establish requirements regarding:

24 (i) The design and construction of public water system facilities,  
25 including proper sizing of pipes and storage for the number and type of  
26 customers;

27 (ii) Drinking water quality standards, monitoring requirements, and  
28 laboratory certification requirements;

29 (iii) Public water system management and reporting requirements;

30 (iv) Public water system planning and emergency response  
31 requirements;

32 (v) Public water system operation and maintenance requirements;

33 (vi) Water quality, reliability, and management of existing but  
34 inadequate public water systems; and

35 (vii) Quality standards for the source or supply, or both source  
36 and supply, of water for bottled water plants.

37 (b) Adopt rules and standards for prevention, control, and  
38 abatement of health hazards and nuisances related to the disposal of

1 wastes, solid and liquid, including but not limited to sewage, garbage,  
2 refuse, and other environmental contaminants; adopt standards and  
3 procedures governing the design, construction, and operation of sewage,  
4 garbage, refuse and other solid waste collection, treatment, and  
5 disposal facilities;

6 (c) Adopt rules controlling public health related to environmental  
7 conditions including but not limited to heating, lighting, ventilation,  
8 sanitary facilities, cleanliness and space in all types of public  
9 facilities including but not limited to food service establishments,  
10 schools, institutions, recreational facilities and transient  
11 accommodations and in places of work;

12 (d) Adopt rules for the imposition and use of isolation and  
13 quarantine;

14 (e) Adopt rules for the prevention and control of infectious and  
15 noninfectious diseases, including food and vector borne illness, and  
16 rules governing the receipt and conveyance of remains of deceased  
17 persons, and such other sanitary matters as admit of and may best be  
18 controlled by universal rule; and

19 (f) Adopt rules for accessing existing data bases for the purposes  
20 of performing health related research.

21 (3) The state board shall adopt rules for the design, construction,  
22 installation, operation, and maintenance of those on-site sewage  
23 systems with design flows of less than three thousand five hundred  
24 gallons per day.

25 (4) The state board may delegate any of its rule-adopting authority  
26 to the secretary and rescind such delegated authority.

27 ((+4)) (5) All local boards of health, health authorities and  
28 officials, officers of state institutions, police officers, sheriffs,  
29 constables, and all other officers and employees of the state, or any  
30 county, city, or township thereof, shall enforce all rules adopted by  
31 the state board of health. In the event of failure or refusal on the  
32 part of any member of such boards or any other official or person  
33 mentioned in this section to so act, he or she shall be subject to a  
34 fine of not less than fifty dollars, upon first conviction, and not  
35 less than one hundred dollars upon second conviction.

36 ((+5)) (6) The state board may advise the secretary on health  
37 policy issues pertaining to the department of health and the state.

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**PART 4**  
**EXEMPTING OPERATORS**  
**CERTIFIED BY THE DEPARTMENT OF HEALTH**

**Sec. 12.** RCW 90.48.162 and 1972 ex.s. c 140 s 1 are each amended to read as follows:

Any county or any municipal or public corporation operating or proposing to operate a sewerage system, including any system which collects only domestic sewerage, which results in the disposal of waste material into the waters of the state shall procure a permit from the department of ecology before so disposing of such materials. This section is intended to extend the permit system of RCW 90.48.160 to counties and municipal or public corporations and the provisions of RCW 90.48.170 through ~~((90.48.210))~~ 90.48.200 and 90.52.040 shall be applicable to the permit requirement imposed under this section. A permit under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems permitted by local health jurisdictions under rules of the state board of health.

**Sec. 13.** RCW 90.48.110 and 2002 c 161 s 5 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter. Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

1 (2) To promote efficiency in service delivery and intergovernmental  
2 cooperation in protecting the quality of the state's waters, the  
3 department may delegate the authority for review and approval of  
4 engineering reports, plans, and specifications for the construction of  
5 new sewerage systems, sewage treatment or disposal plants or systems,  
6 or for improvements or extensions to existing sewerage system or sewage  
7 treatment or disposal plants, and the proposed method of future  
8 operations and maintenance of said facility or facilities and  
9 industrial pretreatment systems, to local units of government  
10 requesting such delegation and meeting criteria established by the  
11 department.

12 (3) For any new or revised general sewer plan submitted for review  
13 under this section, the department shall review and either approve,  
14 conditionally approve, reject, or request amendments within ninety days  
15 of the receipt of the submission of the plan. The department may  
16 extend this ninety-day time limitation for new submittals by up to an  
17 additional ninety days if insufficient time exists to adequately review  
18 the general sewer plan. For rejections of plans or extensions of the  
19 timeline, the department shall provide in writing to the local  
20 government entity the reason for such action. In addition, the  
21 governing body of the local government entity and the department may  
22 mutually agree to an extension of the deadlines contained in this  
23 section.

24 **PART 5**

25 **AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO**  
26 **LARGE ON-SITE SEWAGE SYSTEMS**

27 **Sec. 14.** RCW 36.94.010 and 1997 c 447 s 10 are each amended to  
28 read as follows:

29 As used in this chapter:

30 (1) A "system of sewerage" means and may include any or all of the  
31 following:

32 (a) Sanitary sewage collection, treatment, and/or disposal  
33 facilities and services, including without limitation on-site or off-  
34 site sanitary sewerage facilities, large on-site sewage systems defined  
35 under section 2 of this act, inspection services and maintenance

1 services for private or public on-site systems, or any other means of  
2 sewage treatment and disposal approved by the county;

3 (b) Combined sanitary sewage disposal and storm or surface water  
4 drains and facilities;

5 (c) Storm or surface water drains, channels, and facilities;

6 (d) Outfalls for storm drainage or sanitary sewage and works,  
7 plants, and facilities for storm drainage or sanitary sewage treatment  
8 and disposal, and rights and interests in property relating to the  
9 system;

10 (e) Combined water and sewerage systems;

11 (f) Point and nonpoint water pollution monitoring programs that are  
12 directly related to the sewerage facilities and programs operated by a  
13 county;

14 (g) Public restroom and sanitary facilities;

15 (h) The facilities and services authorized in RCW 36.94.020; and

16 (i) Any combination of or part of any or all of such facilities.

17 (2) A "system of water" means and includes:

18 (a) A water distribution system, including dams, reservoirs,  
19 aqueducts, plants, pumping stations, transmission and lateral  
20 distribution lines and other facilities for distribution of water;

21 (b) A combined water and sewerage system;

22 (c) Any combination of or any part of any or all of such  
23 facilities.

24 (3) A "sewerage and/or water general plan" means a general plan for  
25 a system of sewerage and/or water for the county which shall be an  
26 element of the comprehensive plan established by the county pursuant to  
27 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a  
28 comprehensive plan.

29 (a) A sewerage general plan shall include the general location and  
30 description of treatment and disposal facilities, trunk and interceptor  
31 sewers, pumping stations, monitoring and control facilities, channels,  
32 local service areas and a general description of the collection system  
33 to serve those areas, a description of on-site sanitary sewerage system  
34 inspection services and maintenance services, and other facilities and  
35 services as may be required to provide a functional and implementable  
36 plan, including preliminary engineering to assure feasibility. The  
37 plan may also include a description of the regulations deemed  
38 appropriate to carrying out surface drainage plans.

1 (b) A water general plan shall include the general location and  
2 description of water resources to be utilized, wells, treatment  
3 facilities, transmission lines, storage reservoirs, pumping stations,  
4 and monitoring and control facilities as may be required to provide a  
5 functional and implementable plan.

6 (c) Water and/or sewerage general plans shall include preliminary  
7 engineering in adequate detail to assure technical feasibility and, to  
8 the extent then known, shall further discuss the methods of  
9 distributing the cost and expense of the system and shall indicate the  
10 economic feasibility of plan implementation. The plans may also  
11 specify local or lateral facilities and services. The sewerage and/or  
12 water general plan does not mean the final engineering construction or  
13 financing plans for the system.

14 (4) "Municipal corporation" means and includes any city, town,  
15 metropolitan municipal corporation, any public utility district which  
16 operates and maintains a sewer or water system, any sewer, water,  
17 diking, or drainage district, any diking, drainage, and sewerage  
18 improvement district, and any irrigation district.

19 (5) A "private utility" means and includes all utilities, both  
20 public and private, which provide sewerage and/or water service and  
21 which are not municipal corporations within the definition of this  
22 chapter. The ownership of a private utility may be in a corporation,  
23 nonprofit or for profit, in a cooperative association, in a mutual  
24 organization, or in individuals.

25 (6) "Board" means one or more boards of county commissioners and/or  
26 the legislative authority of a home rule charter county.

27 **PART 6**

28 **JURISDICTION OF THE POLLUTION CONTROL HEARINGS BOARD**

29 **Sec. 15.** RCW 43.21B.110 and 2003 c 393 s 19 are each amended to  
30 read as follows:

31 (1) The hearings board shall only have jurisdiction to hear and  
32 decide appeals from the following decisions of the department, the  
33 director, local conservation districts, and the air pollution control  
34 boards or authorities as established pursuant to chapter 70.94 RCW, the  
35 department of health, or local health departments:

1 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,  
2 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and  
3 90.56.330.

4 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
5 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
6 90.14.130, 90.48.120, and 90.56.330.

7 (c) Except as provided in RCW 90.03.210(2), the issuance,  
8 modification, or termination of any permit, certificate, or license by  
9 the department or any air authority in the exercise of its  
10 jurisdiction, including the issuance or termination of a waste disposal  
11 permit, the denial of an application for a waste disposal permit, the  
12 modification of the conditions or the terms of a waste disposal permit,  
13 or a decision to approve or deny an application for a solid waste  
14 permit exemption under RCW 70.95.300.

15 (d) Decisions of local health departments regarding the grant or  
16 denial of solid waste permits pursuant to chapter 70.95 RCW.

17 (e) Decisions of local health departments regarding the issuance  
18 and enforcement of permits to use or dispose of biosolids under RCW  
19 70.95J.080.

20 (f) Decisions of the department regarding waste-derived fertilizer  
21 or micronutrient fertilizer under RCW 15.54.820, and decisions of the  
22 department regarding waste-derived soil amendments under RCW 70.95.205.

23 (g) Decisions of local conservation districts related to the denial  
24 of approval or denial of certification of a dairy nutrient management  
25 plan; conditions contained in a plan; application of any dairy nutrient  
26 management practices, standards, methods, and technologies to a  
27 particular dairy farm; and failure to adhere to the plan review and  
28 approval timelines in RCW 90.64.026.

29 (h) Any other decision by the department or an air authority which  
30 pursuant to law must be decided as an adjudicative proceeding under  
31 chapter 34.05 RCW.

32 (i) Decisions of the department of health relating to the initial  
33 issuance, denial, revocation, suspension, or modification of a permit  
34 for a large on-site sewage system that disposes of between fourteen  
35 thousand five hundred gallons per day and one hundred thousand gallons  
36 per day of wastewater.

37 (2) The following hearings shall not be conducted by the hearings  
38 board:



1 (a) Hearings required by law to be conducted by the shorelines  
2 hearings board pursuant to chapter 90.58 RCW.

3 (b) Hearings conducted by the department pursuant to RCW 70.94.332,  
4 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

5 (c) Proceedings conducted by the department, or the department's  
6 designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

7 (d) Hearings conducted by the department to adopt, modify, or  
8 repeal rules.

9 (e) Appeals of decisions by the department as provided in chapter  
10 43.21L RCW.

11 (3) Review of rules and regulations adopted by the hearings board  
12 shall be subject to review in accordance with the provisions of the  
13 Administrative Procedure Act, chapter 34.05 RCW.

14 NEW SECTION. **Sec. 16.** Sections 1 through 8 of this act constitute  
15 a new chapter in Title 70 RCW.

16 NEW SECTION. **Sec. 17.** Captions and part headings used in this act  
17 are not any part of the law.

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