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**SUBSTITUTE SENATE BILL 5894**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell; 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, and 36.94.010; adding new sections to chapter 70.118 RCW;  
4 adding a new chapter to Title 70 RCW; creating a new section; and  
5 prescribing penalties.

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

7 **PART 1**

8 **CREATING A NEW CHAPTER DEDICATED TO LARGE ON-SITE**  
9 **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.

28 (8) The department shall adopt rules to ensure adequate public  
29 notice and opportunity for review and comment on initial large on-site  
30 sewage system permit applications. Methods for providing notice may  
31 include electronic mail, posting on the department's internet site,  
32 publication in a local newspaper, press releases, mailings, or other  
33 means of notification the department determines appropriate.

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

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

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

11        (a) Surface and ground water standards established under RCW  
12 90.48.035; and

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

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

21        NEW SECTION.    **Sec. 6.**    CIVIL PENALTIES.    (1) A person who violates  
22 a law or rule regulating on-site sewage systems administered by the  
23 department is subject to a penalty of not more than ten thousand  
24 dollars per day for every violation. Every violation is a separate and  
25 distinct offense. In case of a continuing violation, each day's  
26 continuing violation is a separate and distinct violation. The penalty  
27 assessed must reflect the significance of the violation and the  
28 previous record of compliance on the part of the person responsible for  
29 compliance with on-site sewage system requirements.

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

34        (3) The penalty provided for in this section must be imposed by a  
35 notice in writing to the person against whom the civil penalty is  
36 assessed and must describe the violation. The notice must be  
37 personally served in the manner of service of a summons in a civil

1 action or in a manner that shows proof of receipt. A penalty imposed  
2 by this section is due twenty-eight days after receipt of notice unless  
3 application for an adjudicative proceeding is filed as provided in  
4 subsection (4) of this section.

5 (4) Within twenty-eight days after notice is received, the person  
6 incurring the penalty may file an application for an adjudicative  
7 proceeding and may pursue subsequent review as provided in chapter  
8 34.05 RCW and applicable rules.

9 (5) A penalty imposed by a final administrative order is due upon  
10 service of the final administrative order. A person who fails to pay  
11 a penalty assessed by a final administrative order within thirty days  
12 of service of the final administrative order shall pay, in addition to  
13 the amount of the penalty, interest at the rate of one percent of the  
14 unpaid balance of the assessed penalty for each month or part of a  
15 month that the penalty remains unpaid, commencing with the month in  
16 which the notice of penalty was served, and reasonable attorneys' fees  
17 as are incurred if civil enforcement of the final administrative order  
18 is required to collect the penalty.

19 (6) A person who institutes proceedings for judicial review of a  
20 final administrative order assessing a civil penalty under this chapter  
21 shall place the full amount of the penalty in an interest-bearing  
22 account in the registry of the reviewing court. At the conclusion of  
23 the proceeding the court shall, as appropriate, enter a judgment on  
24 behalf of the department and order that the judgment be satisfied to  
25 the extent possible from moneys paid into the registry of the court or  
26 shall enter a judgment in favor of the person appealing the penalty  
27 assessment and order return of the moneys paid into the registry of the  
28 court together with accrued interest to the person appealing. The  
29 judgment may award reasonable attorneys' fees for the cost of the  
30 attorney general's office in representing the department.

31 (7) If no appeal is taken from a final administrative order  
32 assessing a civil penalty under this chapter, the department may file  
33 a certified copy of the final administrative order with the clerk of  
34 the superior court in which the on-site sewage system is located or in  
35 Thurston county, and the clerk shall enter judgment in the name of the  
36 department and in the amount of the penalty assessed in the final  
37 administrative order.

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

6 (9) The large on-site sewage systems account is created in the  
7 custody of the state treasurer. All receipts from penalties imposed  
8 under this section shall be deposited into the account. Expenditures  
9 from the account shall be used by the department to provide training  
10 and technical assistance to on-site sewage system owners and operators.  
11 Only the secretary or the secretary's designee may authorize  
12 expenditures from the account. The account is subject to allotment  
13 procedures under chapter 43.88 RCW, but an appropriation is not  
14 required for expenditures.

15 NEW SECTION. **Sec. 7.** INJUNCTIONS. Notwithstanding the existence  
16 or use of any other remedy, the department may bring an action to  
17 enjoin a violation or threatened violation of this chapter or rules  
18 adopted under this chapter. The department may bring the action in the  
19 superior court of the county in which the large on-site sewage system  
20 is located or in the superior court of Thurston county.

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

25 **PART 2**  
26 **AMENDING CHAPTERS 70.118 AND 70.05 RCW TO ENHANCE LOCAL**  
27 **HEALTH OFFICER ENFORCEMENT AUTHORITY REGARDING ON-SITE SYSTEMS**

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

30 CIVIL PENALTIES. A local health officer who is responsible for  
31 administering and enforcing regulations regarding on-site sewage  
32 disposal systems is authorized to issue civil penalties for violations  
33 of those regulations under the same limitations and requirements  
34 imposed on the department under section 6 of this act, except that

1 judgments shall be entered in the name of the local health jurisdiction  
2 and penalties shall be placed into the general fund or funds of the  
3 entity or entities operating the local health jurisdiction.

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

6 The local health officer, acting under the direction of the local  
7 board of health or under direction of the administrative officer  
8 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

9 (1) Enforce the public health statutes of the state, rules of the  
10 state board of health and the secretary of health, and all local health  
11 rules, regulations and ordinances within his or her jurisdiction  
12 including imposition of penalties authorized under RCW 70.119A.030 and  
13 section 9 of this act, the confidentiality provisions in RCW 70.24.105  
14 and rules adopted to implement those provisions, and filing of actions  
15 authorized by RCW 43.70.190;

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

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

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

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

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

28 (7) Collect such fees as are established by the state board of  
29 health or the local board of health for the issuance or renewal of  
30 licenses or permits or such other fees as may be authorized by law or  
31 by the rules of the state board of health;

32 (8) Inspect, as necessary, expansion or modification of existing  
33 public water systems, and the construction of new public water systems,  
34 to assure that the expansion, modification, or construction conforms to  
35 system design and plans;

36 (9) Take such measures as he or she deems necessary in order to  
37 promote the public health, to participate in the establishment of



1 health educational or training activities, and to authorize the  
2 attendance of employees of the local health department or individuals  
3 engaged in community health programs related to or part of the programs  
4 of the local health department.

5 **PART 3**  
6 **AMENDING STATE BOARD OF HEALTH RULE-MAKING AUTHORITY FOR**  
7 **ON-SITE SEWAGE SYSTEMS**

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

10 (1) The state board of health shall provide a forum for the  
11 development of public health policy in Washington state. It is  
12 authorized to recommend to the secretary means for obtaining  
13 appropriate citizen and professional involvement in all public health  
14 policy formulation and other matters related to the powers and duties  
15 of the department. It is further empowered to hold hearings and  
16 explore ways to improve the health status of the citizenry.

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

19 (b) Every two years, in coordination with the development of the  
20 state biennial budget, the state board shall prepare the state public  
21 health report that outlines the health priorities of the ensuing  
22 biennium. The report shall:

23 (i) Consider the citizen input gathered at the forums;  
24 (ii) Be developed with the assistance of local health departments;  
25 (iii) Be based on the best available information collected and  
26 reviewed according to RCW 43.70.050 and recommendations from the  
27 council;

28 (iv) Be developed with the input of state health care agencies. At  
29 least the following directors of state agencies shall provide timely  
30 recommendations to the state board on suggested health priorities for  
31 the ensuing biennium: The secretary of social and health services, the  
32 health care authority administrator, the insurance commissioner, the  
33 superintendent of public instruction, the director of labor and  
34 industries, the director of ecology, and the director of agriculture;

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

1 (vi) Be submitted by the state board to the governor by January 1<sup>st</sup>  
2 of each even-numbered year for adoption by the governor. The governor,  
3 no later than March 1<sup>st</sup> of that year, shall approve, modify, or  
4 disapprove the state public health report.

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

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

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

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

16 (ii) Drinking water quality standards, monitoring requirements, and  
17 laboratory certification requirements;

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

19 (iv) Public water system planning and emergency response  
20 requirements;

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

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

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

26 (b) Adopt rules and standards for prevention, control, and  
27 abatement of health hazards and nuisances related to the disposal of  
28 wastes, solid and liquid, including but not limited to sewage, garbage,  
29 refuse, and other environmental contaminants; adopt standards and  
30 procedures governing the design, construction, and operation of sewage,  
31 garbage, refuse and other solid waste collection, treatment, and  
32 disposal facilities;

33 (c) Adopt rules controlling public health related to environmental  
34 conditions including but not limited to heating, lighting, ventilation,  
35 sanitary facilities, cleanliness and space in all types of public  
36 facilities including but not limited to food service establishments,  
37 schools, institutions, recreational facilities and transient  
38 accommodations and in places of work;

1 (d) Adopt rules for the imposition and use of isolation and  
2 quarantine;

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

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

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

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

16 ((+4)) (5) All local boards of health, health authorities and  
17 officials, officers of state institutions, police officers, sheriffs,  
18 constables, and all other officers and employees of the state, or any  
19 county, city, or township thereof, shall enforce all rules adopted by  
20 the state board of health. In the event of failure or refusal on the  
21 part of any member of such boards or any other official or person  
22 mentioned in this section to so act, he or she shall be subject to a  
23 fine of not less than fifty dollars, upon first conviction, and not  
24 less than one hundred dollars upon second conviction.

25 ((+5)) (6) The state board may advise the secretary on health  
26 policy issues pertaining to the department of health and the state.

27 **PART 4**

28 **EXEMPTING OPERATORS**

29 **CERTIFIED BY THE DEPARTMENT OF HEALTH**

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

32 Any county or any municipal or public corporation operating or  
33 proposing to operate a sewerage system, including any system which  
34 collects only domestic sewerage, which results in the disposal of waste  
35 material into the waters of the state shall procure a permit from the  
36 department of ecology before so disposing of such materials. This

1 section is intended to extend the permit system of RCW 90.48.160 to  
2 counties and municipal or public corporations and the provisions of RCW  
3 90.48.170 through ((90.48.210)) 90.48.200 and 90.52.040 shall be  
4 applicable to the permit requirement imposed under this section. A  
5 permit under this chapter is not required for large on-site sewage  
6 systems permitted by the department of health under chapter 70.-- RCW  
7 (sections 1 through 8 of this act) or for on-site sewage systems  
8 permitted by local health jurisdictions under rules of the state board  
9 of health.

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

12 (1) Except under subsection (2) of this section, all engineering  
13 reports, plans, and specifications for the construction of new sewerage  
14 systems, sewage treatment or disposal plants or systems, or for  
15 improvements or extensions to existing sewerage systems or sewage  
16 treatment or disposal plants, and the proposed method of future  
17 operation and maintenance of said facility or facilities, shall be  
18 submitted to and be approved by the department, before construction  
19 thereof may begin. No approval shall be given until the department is  
20 satisfied that said plans and specifications and the methods of  
21 operation and maintenance submitted are adequate to protect the quality  
22 of the state's waters as provided for in this chapter. Approval under  
23 this chapter is not required for large on-site sewage systems permitted  
24 by the department of health under chapter 70.-- RCW (sections 1 through  
25 8 of this act) or for on-site sewage systems regulated by local health  
26 jurisdictions under rules of the state board of health.

27 (2) To promote efficiency in service delivery and intergovernmental  
28 cooperation in protecting the quality of the state's waters, the  
29 department may delegate the authority for review and approval of  
30 engineering reports, plans, and specifications for the construction of  
31 new sewerage systems, sewage treatment or disposal plants or systems,  
32 or for improvements or extensions to existing sewerage system or sewage  
33 treatment or disposal plants, and the proposed method of future  
34 operations and maintenance of said facility or facilities and  
35 industrial pretreatment systems, to local units of government  
36 requesting such delegation and meeting criteria established by the  
37 department.

1 (3) For any new or revised general sewer plan submitted for review  
2 under this section, the department shall review and either approve,  
3 conditionally approve, reject, or request amendments within ninety days  
4 of the receipt of the submission of the plan. The department may  
5 extend this ninety-day time limitation for new submittals by up to an  
6 additional ninety days if insufficient time exists to adequately review  
7 the general sewer plan. For rejections of plans or extensions of the  
8 timeline, the department shall provide in writing to the local  
9 government entity the reason for such action. In addition, the  
10 governing body of the local government entity and the department may  
11 mutually agree to an extension of the deadlines contained in this  
12 section.

13 **PART 5**

14 **AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO**  
15 **LARGE ON-SITE SEWAGE SYSTEMS**

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

18 As used in this chapter:

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

21 (a) Sanitary sewage collection, treatment, and/or disposal  
22 facilities and services, including without limitation on-site or off-  
23 site sanitary sewerage facilities, large on-site sewage systems defined  
24 under section 2 of this act, inspection services and maintenance  
25 services for private or public on-site systems, or any other means of  
26 sewage treatment and disposal approved by the county;

27 (b) Combined sanitary sewage disposal and storm or surface water  
28 drains and facilities;

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

30 (d) Outfalls for storm drainage or sanitary sewage and works,  
31 plants, and facilities for storm drainage or sanitary sewage treatment  
32 and disposal, and rights and interests in property relating to the  
33 system;

34 (e) Combined water and sewerage systems;

35 (f) Point and nonpoint water pollution monitoring programs that are

1 directly related to the sewerage facilities and programs operated by a  
2 county;

3 (g) Public restroom and sanitary facilities;

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

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

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

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

10 (b) A combined water and sewerage system;

11 (c) Any combination of or any part of any or all of such  
12 facilities.

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

18 (a) A sewerage general plan shall include the general location and  
19 description of treatment and disposal facilities, trunk and interceptor  
20 sewers, pumping stations, monitoring and control facilities, channels,  
21 local service areas and a general description of the collection system  
22 to serve those areas, a description of on-site sanitary sewerage system  
23 inspection services and maintenance services, and other facilities and  
24 services as may be required to provide a functional and implementable  
25 plan, including preliminary engineering to assure feasibility. The  
26 plan may also include a description of the regulations deemed  
27 appropriate to carrying out surface drainage plans.

28 (b) A water general plan shall include the general location and  
29 description of water resources to be utilized, wells, treatment  
30 facilities, transmission lines, storage reservoirs, pumping stations,  
31 and monitoring and control facilities as may be required to provide a  
32 functional and implementable plan.

33 (c) Water and/or sewerage general plans shall include preliminary  
34 engineering in adequate detail to assure technical feasibility and, to  
35 the extent then known, shall further discuss the methods of  
36 distributing the cost and expense of the system and shall indicate the  
37 economic feasibility of plan implementation. The plans may also

1 specify local or lateral facilities and services. The sewerage and/or  
2 water general plan does not mean the final engineering construction or  
3 financing plans for the system.

4 (4) "Municipal corporation" means and includes any city, town,  
5 metropolitan municipal corporation, any public utility district which  
6 operates and maintains a sewer or water system, any sewer, water,  
7 diking, or drainage district, any diking, drainage, and sewerage  
8 improvement district, and any irrigation district.

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

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

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

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

--- END ---