
HOUSE BILL 1637

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Bailey, Chandler, Short, Angel, McCune, Fagan, and Harris

Read first time 01/27/11. Referred to Committee on Environment.

1 AN ACT Relating to maintenance inspections of on-site sewage
2 systems; amending RCW 43.20.050 and 70.118.120; and adding a new
3 section to chapter 70.118 RCW.

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

5 **Sec. 1.** RCW 43.20.050 and 2009 c 495 s 1 are each amended to read
6 as follows:

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

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

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

1 (i) Consider the citizen input gathered at the forums;
2 (ii) Be developed with the assistance of local health departments;
3 (iii) Be based on the best available information collected and
4 reviewed according to RCW 43.70.050;

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

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

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

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

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

23 (a) Adopt rules for group A public water systems, as defined in RCW
24 70.119A.020, necessary to assure safe and reliable public drinking
25 water and to protect the public health. Such rules shall establish
26 requirements regarding:

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

30 (ii) Drinking water quality standards, monitoring requirements, and
31 laboratory certification requirements;

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

33 (iv) Public water system planning and emergency response
34 requirements;

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

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

1 (vii) Quality standards for the source or supply, or both source
2 and supply, of water for bottled water plants;

3 (b) Adopt rules as necessary for group B public water systems, as
4 defined in RCW 70.119A.020. The rules shall, at a minimum, establish
5 requirements regarding the initial design and construction of a public
6 water system. The state board of health rules may waive some or all
7 requirements for group B public water systems with fewer than five
8 connections;

9 (c) Adopt rules and standards for prevention, control, and
10 abatement of health hazards and nuisances related to the disposal of
11 wastes, solid and liquid, including but not limited to sewage, garbage,
12 refuse, and other environmental contaminants; adopt standards and
13 procedures governing the design, construction, and operation of sewage,
14 garbage, refuse and other solid waste collection, treatment, and
15 disposal facilities;

16 (d) Adopt rules controlling public health related to environmental
17 conditions including but not limited to heating, lighting, ventilation,
18 sanitary facilities, cleanliness and space in all types of public
19 facilities including but not limited to food service establishments,
20 schools, institutions, recreational facilities and transient
21 accommodations and in places of work;

22 (e) Adopt rules for the imposition and use of isolation and
23 quarantine;

24 (f) Adopt rules for the prevention and control of infectious and
25 noninfectious diseases, including food and vector borne illness, and
26 rules governing the receipt and conveyance of remains of deceased
27 persons, and such other sanitary matters as admit of and may best be
28 controlled by universal rule; and

29 (g) Adopt rules for accessing existing databases for the purposes
30 of performing health related research.

31 (3) The state board shall adopt rules consistent with section 3 of
32 this act for the design, construction, installation, operation, and
33 maintenance of those on-site sewage systems with design flows of less
34 than three thousand five hundred gallons per day.

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

37 (5) All local boards of health, health authorities and officials,
38 officers of state institutions, police officers, sheriffs, constables,

1 and all other officers and employees of the state, or any county, city,
2 or township thereof, shall enforce all rules adopted by the state board
3 of health. In the event of failure or refusal on the part of any
4 member of such boards or any other official or person mentioned in this
5 section to so act, he or she shall be subject to a fine of not less
6 than fifty dollars, upon first conviction, and not less than one
7 hundred dollars upon second conviction.

8 (6) The state board may advise the secretary on health policy
9 issues pertaining to the department of health and the state.

10 **Sec. 2.** RCW 70.118.120 and 1999 c 263 s 22 are each amended to
11 read as follows:

12 (1) The local board of health shall ensure that individuals who
13 conduct inspections of on-site wastewater treatment systems or who
14 otherwise conduct reviews of such systems are qualified in the
15 technology and application of on-site sewage treatment principles. A
16 certificate of competency issued by the department of licensing is
17 adequate demonstration that an individual is competent in the
18 engineering aspects of on-site wastewater treatment system technology.

19 (2) A local board of health may allow noncertified individuals to
20 review designs of, and conduct inspections of, on-site wastewater
21 treatment systems for a maximum of two years after the date of hire, if
22 a certified individual reviews or supervises the work during that time.

23 (3) This section does not apply to inspections performed under
24 section 3 of this act.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118 RCW
26 to read as follows:

27 (1) The department or a local board of health may not require
28 periodic maintenance and operation inspections of on-site sewage
29 disposal systems more than once every three years if the on-site sewage
30 disposal system:

31 (a) Has a design flow of less than three thousand five hundred
32 gallons per day; and

33 (b) Is a gravity flow system, pressure distribution system, mound
34 system, sand filter system, or biofilter system.

35 (2) For on-site sewage disposal systems meeting the criteria under

1 subsection (1) of this section, inspections may be conducted by the
2 owner of the system or the owner's designee.

3 (3) With the advice of the secretary of the department, local
4 boards of health shall adopt policies to determine the qualifications
5 for the on-site sewage disposal system owner, or the owner's designee,
6 to perform an inspection. The system owner or designee must be
7 certified as a qualified inspector by the local board of health before
8 the owner or designee is authorized to perform an inspection.

9 (4) A certificate of competency issued by the department of
10 licensing to demonstrate that an individual is competent to perform
11 inspections under RCW 70.118.120 is not required under this section.

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