

HB 2010 - S COMM AMD

By Committee on Government Operations & Security

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21  
4 RCW to read as follows:

5 (1) A city with an ordinance or resolution requiring, upon the  
6 failure of an on-site septic system, connection to a public sewer  
7 system must, in accordance with this section, provide an  
8 administrative appeals process to consider denials of permit  
9 applications to repair or replace the septic system. The  
10 administrative appeals process required by this section applies only  
11 to requests to repair or replace existing, failing on-site septic  
12 systems that:

13 (a) Were made for a single-family residence by its owner or  
14 owners;

15 (b) Were denied solely because of a law, regulation, or ordinance  
16 requiring connection to a public sewer system; and

17 (c) Absent the applicable law, regulation, or ordinance requiring  
18 connection to a public sewer system upon which the denial was based,  
19 would be approved.

20 (2) If the city has an administrative appeals process, the city  
21 may, subject to the requirements of this section, use that  
22 process. The administrative appeals process required by this section,  
23 however, must be presided over by the legislative body of the city or  
24 by an administrative hearings officer.

25 (3) The administrative appeals process required by this section  
26 must, at a minimum, consider whether:

27 (a) It is cost-prohibitive to require the property owner to  
28 connect to the public sewer system. In complying with this subsection  
29 (3)(a), the city must consider the estimated cost to repair or  
30 replace the on-site septic system compared to the estimated cost to  
31 connect to the public sewer system;

32 (b) There are public health or environmental considerations  
33 related to allowing the property owner to repair or replace the on-  
34 site septic system. In complying with this subsection (3)(b), the

1 city must consider whether the repaired or replaced on-site septic  
2 system contributes to the pollution of surface waters or groundwater;

3 (c) There are public sewer system performance or financing  
4 considerations related to allowing the property owner to repair or  
5 replace the on-site septic system; and

6 (d) There are financial assistance programs or latecomer  
7 agreements offered by the city or state that may impact a decision of  
8 the property owner to repair or replace the on-site septic system.

9 (4) If the city, following the appeals process required by this  
10 section, determines that the property owner must connect the  
11 residence to the public sewer system, the property owner may, in  
12 complying with the determination and subject to approval of  
13 appropriate permits, select and hire contractors at his or her own  
14 expense to perform the work necessary to connect the residence to the  
15 public sewer system.

16 (5) Unless otherwise required by law, a city determination  
17 requiring the owner of a single-family residence with a failing on-  
18 site septic system to connect a residence to a public sewer system is  
19 not subject to appeal.

20 (6) For purposes of this section, "city" means a city or town.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21  
22 RCW to read as follows:

23 (1) A city with an ordinance or resolution requiring, upon the  
24 failure of an on-site septic system, connection to a public sewer  
25 system must, in accordance with this section, provide an  
26 administrative appeals process to consider denials of permit  
27 applications to repair or replace the septic system. The  
28 administrative appeals process required by this section applies only  
29 to requests to repair or replace existing, failing on-site septic  
30 systems that:

31 (a) Were made for a single-family residence by its owner or  
32 owners;

33 (b) Were denied solely because of a law, regulation, or ordinance  
34 requiring connection to a public sewer system; and

35 (c) Absent the applicable law, regulation, or ordinance requiring  
36 connection to a public sewer system upon which the denial was based,  
37 would be approved.

38 (2) If the city has an administrative appeals process, the city  
39 may, subject to the requirements of this section, use that

1 process. The administrative appeals process required by this section,  
2 however, must be presided over by the legislative body of the city or  
3 by an administrative hearings officer.

4 (3) The administrative appeals process required by this section  
5 must, at a minimum, consider whether:

6 (a) It is cost-prohibitive to require the property owner to  
7 connect to the public sewer system. In complying with this subsection  
8 (3)(a), the city must consider the estimated cost to repair or  
9 replace the on-site septic system compared to the estimated cost to  
10 connect to the public sewer system;

11 (b) There are public health or environmental considerations  
12 related to allowing the property owner to repair or replace the on-  
13 site septic system. In complying with this subsection (3)(b), the  
14 city must consider whether the repaired or replaced on-site septic  
15 system contributes to the pollution of surface waters or groundwater;

16 (c) There are public sewer system performance or financing  
17 considerations related to allowing the property owner to repair or  
18 replace the on-site septic system; and

19 (d) There are financial assistance programs or latecomer  
20 agreements offered by the city or state that may impact a decision of  
21 the property owner to repair or replace the on-site septic system.

22 (4) If the city, following the appeals process required by this  
23 section, determines that the property owner must connect the  
24 residence to the public sewer system, the property owner may, in  
25 complying with the determination and subject to approval of  
26 appropriate permits, select and hire contractors at his or her own  
27 expense to perform the work necessary to connect the residence to the  
28 public sewer system.

29 (5) Unless otherwise required by law, a city determination  
30 requiring the owner of a single-family residence with a failing on-  
31 site septic system to connect a residence to a public sewer system is  
32 not subject to appeal.

33 (6) For purposes of this section, "city" means a "code city" as  
34 defined in RCW 35A.01.035.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01  
36 RCW to read as follows:

37 (1) A county with an ordinance or resolution requiring, upon the  
38 failure of an on-site septic system, connection to a public sewer  
39 system must, in accordance with this section, provide an

1 administrative appeals process to consider denials of permit  
2 applications to repair or replace the septic system. The  
3 administrative appeals process required by this section applies only  
4 to requests to repair or replace existing, failing on-site septic  
5 systems that:

6 (a) Were made for a single-family residence by its owner or  
7 owners;

8 (b) Were denied solely because of a law, regulation, or ordinance  
9 requiring connection to a public sewer system; and

10 (c) Absent the applicable law, regulation, or ordinance requiring  
11 connection to a public sewer system upon which the denial was based,  
12 would be approved.

13 (2) If the county has an administrative appeals process, the  
14 county may, subject to the requirements of this section, use that  
15 process. The administrative appeals process required by this section,  
16 however, must be presided over by the legislative body of the county  
17 or by an administrative hearings officer.

18 (3) The administrative appeals process required by this section  
19 must, at a minimum, consider whether:

20 (a) It is cost-prohibitive to require the property owner to  
21 connect to the public sewer system. In complying with this subsection  
22 (3)(a), the county must consider the estimated cost to repair or  
23 replace the on-site septic system compared to the estimated cost to  
24 connect to the public sewer system;

25 (b) There are public health or environmental considerations  
26 related to allowing the property owner to repair or replace the on-  
27 site septic system. In complying with this subsection (3)(b), the  
28 county must consider whether the repaired or replaced on-site septic  
29 system contributes to the pollution of surface waters or groundwater;

30 (c) There are public sewer system performance or financing  
31 considerations related to allowing the property owner to repair or  
32 replace the on-site septic system; and

33 (d) There are financial assistance programs or latecomer  
34 agreements offered by the county or state that may impact a decision  
35 of the property owner to repair or replace the on-site septic system.

36 (4) If the county, following the appeals process required by this  
37 section, determines that the property owner must connect the  
38 residence to the public sewer system, the property owner may, in  
39 complying with the determination and subject to approval of  
40 appropriate permits, select and hire contractors at his or her own

1 expense to perform the work necessary to connect the residence to the  
2 public sewer system.

3 (5) Unless otherwise required by law, a county determination  
4 requiring the owner of a single-family residence with a failing on-  
5 site septic system to connect a residence to a public sewer system is  
6 not subject to appeal."

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7 On page 1, line 3 of the title, after "systems;" strike the  
8 remainder of the title and insert "adding a new section to chapter  
9 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a  
10 new section to chapter 36.01 RCW."

EFFECT: (1) Specifies that if, following the appeals process  
required in the underlying bill, a city, town, or county requires a  
single-family residence to be connected to a public sewer system, the  
contractor connection work is subject to approval of appropriate  
permits.

(2) Makes nonsubstantive drafting changes.

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