

---

HOUSE BILL 1338

---

State of Washington

66th Legislature

2019 Regular Session

By Representatives Sullivan, Irwin, and Stokesbary

Read first time 01/18/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to state board of health rules regarding on-site  
2 sewage systems; amending RCW 70.05.074; adding a new section to  
3 chapter 43.20 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that properly  
6 functioning on-site sewage systems are an important component of the  
7 state's wastewater treatment infrastructure. In order to ensure that  
8 on-site sewage systems remain a wastewater treatment option that is  
9 economically accessible to a wide sector of the state's population,  
10 it is the intent of the legislature to ensure that only requirements  
11 that are reasonable, appropriately tailored, and necessary are  
12 imposed on the installation, operation, maintenance, or repair of on-  
13 site sewage systems.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20  
15 RCW to read as follows:

16 (1) Rules adopted by the state board under RCW 43.20.050(3)  
17 regarding failures of on-site sewage systems must:

18 (a) Give first priority to allowing repair and second priority to  
19 allowing replacement of an existing conventional on-site sewage

1 system, consisting of a septic tank and drainfield, with a similar  
2 conventional system;

3 (b) Not impose or allow the imposition of more stringent  
4 performance requirements of equivalent on-site sewage systems on  
5 private entities than public entities; and

6 (c) Allow a system to be repaired using the least expensive  
7 alternative that meets standards and is likely to provide comparable  
8 or better long-term sewage treatment and effluent dispersal outcomes.

9 (2) Rules adopted by the state board under RCW 43.20.050(3)  
10 regarding inspections must:

11 (a) Require any inspection of an on-site sewage system carried  
12 out by a certified professional inspector or public agency to be  
13 coordinated with the owner of the on-site sewage system prior to  
14 accessing the on-site sewage system;

15 (b) Require any inspection of an on-site sewage system carried  
16 out by a certified professional inspector or responsible public  
17 agency to be authorized by the owner of the on-site sewage system  
18 prior to accessing the on-site sewage system;

19 (c) Allow, in cases where an inspection has not been authorized  
20 by a property owner, the local health jurisdiction to follow the  
21 procedures established for an administrative search warrant in RCW  
22 70.118.030; and

23 (d) Forbid local health jurisdictions from requiring private  
24 property owners to grant inspection or maintenance easements for on-  
25 site sewage systems as a condition of permit issuance for on-site  
26 sewage systems that are located on a single property and service a  
27 single dwelling unit.

28 **Sec. 3.** RCW 70.05.074 and 1997 c 447 s 2 are each amended to  
29 read as follows:

30 (1) The local health officer must respond to the applicant for an  
31 on-site sewage system permit within thirty days after receiving a  
32 fully completed application. The local health officer must respond  
33 that the application is either approved, denied, or pending.

34 (2) If the local health officer denies an application to install  
35 an on-site sewage system, the denial must be for cause and based upon  
36 public health and environmental protection concerns, including  
37 concerns regarding the ability to operate and maintain the system, or  
38 conflicts with other existing laws, regulations, or ordinances. A  
39 local health officer may not deny or condition a permit application

1 related to an on-site sewage system located on a single property and  
2 servicing a single dwelling unit upon the granting of an easement  
3 allowing for the inspection or maintenance of the on-site sewage  
4 system. The local health officer must provide the applicant with a  
5 written justification for the denial, along with an explanation of  
6 the procedure for appeal.

7 (3) If the local health officer identifies the application as  
8 pending and subject to review beyond thirty days, the local health  
9 officer must provide the applicant with a written justification that  
10 the site-specific conditions or circumstances necessitate a longer  
11 time period for a decision on the application. The local health  
12 officer must include any specific information necessary to make a  
13 decision and the estimated time required for a decision to be made.

14 (4) A local health officer may not limit the number of  
15 alternative sewage systems within his or her jurisdiction without  
16 cause. Any such limitation must be based upon public health and  
17 environmental protection concerns, including concerns regarding the  
18 ability to operate and maintain the system, or conflicts with other  
19 existing laws, regulations, or ordinances. If such a limitation is  
20 established, the local health officer must justify the limitation in  
21 writing, with specific reasons, and must provide an explanation of  
22 the procedure for appealing the limitation.

--- END ---