
SUBSTITUTE SENATE BILL 6104

State of Washington**53rd Legislature****1994 Regular Session**

By Senate Committee on Ecology & Parks (originally sponsored by Senator Fraser)

Read first time 02/04/94.

1 AN ACT Relating to water pollution control and reduction; amending
2 RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140,
3 54.16.230, and 56.08.020; reenacting and amending RCW 70.146.060 and
4 56.08.010; and creating new sections.

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

6 **Sec. 1.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read
7 as follows:

8 A "system of sewerage" means and may include((s)) any or all of the
9 following:

10 (1) Sanitary sewage ((~~disposal sewers~~)) collection, treatment,
11 and/or disposal facilities and programs, including without limitation
12 on-site or off-site sanitary sewerage facilities such as approved
13 septic tanks or septic tank systems, on-site sanitary sewerage systems,
14 inspection programs and maintenance programs for public or private on-
15 site systems, or any other means of sewage treatment and disposal
16 approved by the city;

17 (2) Combined sanitary sewage disposal and storm or surface water
18 ((~~sewers~~)) drains and facilities;

19 (3) Storm or surface water ((~~sewers~~)) drains and facilities;

1 (4) Outfalls for storm drainage or sanitary sewage and works,
2 plants, and facilities for storm drainage or sanitary sewage treatment
3 and disposal, ((or)) and rights and interests in property relating to
4 the system;

5 (5) Combined water and sewerage systems;

6 (6) Facilities and programs for the protection of streams, lakes,
7 ground water, and saltwater bodies from pollution, including but not
8 limited to monitoring water quality, monitoring point and nonpoint
9 sources of pollution, removing or reducing water pollution, water
10 quality education and public involvement programs, and agricultural,
11 industrial, and commercial management practices programs to reduce
12 water pollution;

13 (7) Public restroom and sanitary facilities; and

14 (8) Any combination of or part of any or all of such facilities.

15 The words "public utility" when used in this chapter shall have the
16 same meaning as the words "system of sewerage."

17 **Sec. 2.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read
18 as follows:

19 Every city and town may construct, condemn and purchase, acquire,
20 add to, implement, maintain, conduct, and operate systems of sewerage
21 and systems and plants for refuse collection and disposal together with
22 additions, extensions, and betterments thereto, within and without its
23 limits, with full jurisdiction and authority to manage, regulate, and
24 control them and to fix, alter, regulate, and control the rates and
25 charges for the use thereof: PROVIDED, That the rates charged must be
26 uniform for the same class of customers or service.

27 In classifying customers served or service furnished by such system
28 of sewerage, the city or town legislative body may in its discretion
29 consider any or all of the following factors: The difference in cost
30 of service to the various customers; the location of the various
31 customers within and without the city or town; the difference in cost
32 of maintenance, operation, implementation, repair, and replacement of
33 the various parts of the system; the different character of the service
34 furnished various customers; the quantity and quality of the sewage
35 delivered and the time of its delivery; the achievement of water
36 conservation goals and the discouragement of wasteful water use
37 practices; capital contributions made to the system, including but not

1 limited to, assessments; and any other matters which present a
2 reasonable difference as a ground for distinction.

3 Under this chapter, any requirements for pumping of an on-site
4 septic system should be based on an evaluation of the effectiveness of
5 the on-site septic system in disposing and treating sewerage.

6 **Sec. 3.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read
7 as follows:

8 A city or town may construct, condemn and purchase, purchase,
9 acquire, add to, alter, maintain, implement, and operate systems,
10 plants, sites, or other facilities of sewerage as defined in RCW
11 35.67.010, or solid waste handling as defined by RCW 70.95.030, and
12 shall have full authority to manage, regulate, operate, control, and to
13 fix the price of service of those systems, plants, sites, or other
14 facilities within and without the limits of the city or town. The
15 rates charged shall be uniform for the same class of customers or
16 service. In classifying customers served or service furnished by a
17 system or systems of sewerage, the legislative authority of the city or
18 town may in its discretion consider any or all of the following
19 factors: The difference in cost of service to customers; the location
20 of customers within and without the city or town; the difference in
21 cost of maintenance, operation, repair, and replacement of the parts of
22 the system; the different character of the service furnished customers;
23 the quantity and quality of the sewage delivered and the time of its
24 delivery; capital contributions made to the systems, plants, sites, or
25 other facilities, including but not limited to, assessments; and any
26 other factors that present a reasonable difference as a ground for
27 distinction.

28 Under this chapter, any requirements for pumping of an on-site
29 septic system should be based on an evaluation of the effectiveness of
30 the on-site septic system in disposing and treating sewerage.

31 **Sec. 4.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read
32 as follows:

33 As used in this chapter:

34 (1) A "system of sewerage" means and may include((s)) any or all of
35 the following:

36 (a) Sanitary sewage collection, treatment, and/or disposal ((sewers
37 and)) facilities and programs, including without limitation on-site or

1 off-site sanitary sewerage facilities ((consisting of an)) such as
2 approved septic tanks or septic tank systems, on-site sanitary sewerage
3 systems, inspection programs and maintenance programs for private or
4 public on-site systems, or any other means of sewage treatment and
5 disposal approved by the county;

6 (b) Combined sanitary sewage disposal and storm or surface water
7 drains and facilities;

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

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

13 (e) Combined water and sewerage systems;

14 (f) Facilities and programs for the protection of streams, lakes,
15 ground water, and saltwater bodies from pollution, including but not
16 limited to monitoring water quality, monitoring point and nonpoint
17 sources of pollution, removing or reducing water pollution, water
18 quality education and public involvement programs, and agricultural,
19 industrial, and commercial management practices programs to reduce
20 water pollution;

21 (g) Public restroom and sanitary facilities;

22 (h) The facilities and programs authorized in RCW 36.94.020; and

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

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

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

28 (b) A combined water and sewerage system;

29 (c) Any combination of or any part of any or all of such
30 facilities.

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

36 (a) A sewerage general plan shall include the general location and
37 description of treatment and disposal facilities, trunk and interceptor
38 sewers, pumping stations, monitoring and control facilities, channels,
39 local service areas and a general description of the collection system

1 to serve those areas, a description of on-site sanitary sewerage system
2 inspection programs and maintenance programs, and other facilities and
3 programs as may be required to provide a functional and implementable
4 plan, including preliminary engineering to assure feasibility. The
5 plan may also include a description of the regulations deemed
6 appropriate to carrying out surface drainage plans.

7 (b) A water general plan shall include the general location and
8 description of water resources to be utilized, wells, treatment
9 facilities, transmission lines, storage reservoirs, pumping stations,
10 and monitoring and control facilities as may be required to provide a
11 functional and implementable plan.

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

20 (4) "Municipal corporation" means and includes any city, town,
21 metropolitan municipal corporation, any public utility district which
22 operates and maintains a sewer or water system, any sewer, water,
23 diking, or drainage district, any diking, drainage, and sewerage
24 improvement district, and any irrigation district.

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

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

33 **Sec. 5.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read
34 as follows:

35 The construction, implementation, operation, and maintenance of a
36 system of sewerage and/or water is a county purpose. Subject to the
37 provisions of this chapter, every county has the power, individually or
38 in conjunction with another county or counties to adopt, provide for,

1 accept, establish, implement, condemn, purchase, construct, add to,
2 operate, and maintain a system or systems of sanitary and storm sewers,
3 including outfalls, interceptors, plans, and facilities and programs
4 necessary for sewerage treatment and disposal, and/or system or systems
5 of water supply within all or a portion of the county: PROVIDED, That
6 counties shall not have power to condemn sewerage and/or water systems
7 of any municipal corporation or private utility.

8 Such county or counties shall have the authority to control,
9 regulate, implement, operate, and manage such system or systems and to
10 provide funds therefor by general obligation bonds, revenue bonds,
11 local improvement district bonds, utility local improvement district or
12 local improvement district assessments, and in any other lawful fiscal
13 manner.

14 Under this chapter, any requirements for pumping of an on-site
15 septic system should be based on an evaluation of the effectiveness of
16 the on-site septic system in disposing and treating sewerage.

17 A county may, as part of a system of sewerage established under
18 this chapter, provide for, finance, and operate any of the facilities
19 and programs and may exercise any of the powers authorized for county
20 storm water, flood control, and drainage programs and activities under
21 chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide
22 for, finance, and operate any of the facilities and programs and may
23 exercise any of the powers authorized for aquifer protection areas
24 under chapter 36.36 RCW; for lake management districts under chapter
25 36.61 RCW; for any category of diking, drainage, or sewerage district
26 or improvement district under Title 85 RCW; for conservation districts
27 under chapter 89.08 RCW; and for shellfish protection districts under
28 chapter 90.72 RCW. However, if a county by reference to any of those
29 statutes assumes as part of its system of sewerage any powers granted
30 to such areas or districts and not otherwise available to a county
31 under this chapter, then (1) the procedures and restrictions applicable
32 to those areas or districts shall apply to the county's exercise of
33 those powers, and (2) the county may not simultaneously impose rates
34 and charges under this chapter and under the statutes authorizing such
35 areas or districts, for substantially the same programs and services,
36 but must instead impose uniform rates and charges consistent with RCW
37 36.94.140. By agreement with such an area or district that is not part
38 of a county's system of sewerage, a county may operate that area's or
39 district's programs or facilities, but a county may not dissolve any

1 existing area or district except in accordance with any applicable
2 provisions of the statute under which that area or district was
3 created.

4 **Sec. 6.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read
5 as follows:

6 Every county, in the implementation and operation of a system of
7 sewerage and/or water, shall have full jurisdiction and authority to
8 manage, regulate and control it and to fix, alter, regulate and control
9 the rates and charges for the service to those to whom such county
10 service is available, and to levy charges for connection to such
11 system. The rates for availability of service and connection charges
12 so charged must be uniform for the same class of customers or service.

13 In classifying customers served, service furnished or made
14 available by such system of sewerage and/or water, or the connection
15 charges, the board may consider any or all of the following factors:

16 (1) The difference in cost of service to the various customers
17 within or without the area;

18 (2) The difference in cost of maintenance, operation, repair and
19 replacement of the various parts of the systems;

20 (3) The different character of the service furnished various
21 customers;

22 (4) The quantity and quality of the sewage and/or water delivered
23 and the time of its delivery;

24 (5) Capital contributions made to the system or systems, including,
25 but not limited to, assessments;

26 (6) The cost of acquiring the system or portions of the system in
27 making system improvements necessary for the public health and safety;
28 and

29 (7) Any other matters which present a reasonable difference as a
30 ground for distinction.

31 Such rates shall produce revenues sufficient to take care of the
32 costs of maintenance and operation, revenue bond and warrant interest
33 and principal amortization requirements, and all other charges
34 necessary for the efficient and proper operation of the system.

35 **Sec. 7.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended
36 to read as follows:

1 A public utility district may acquire, construct, operate,
2 maintain, and add to sewage systems, subject to and in compliance with
3 the county comprehensive plan, under the general powers of Title 54 RCW
4 or through the formation of local utility districts as provided in RCW
5 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any
6 sewage system works as authorized by this section, the voters of the
7 public utility district shall first approve by majority vote a
8 referendum proposition authorizing such district to exercise the powers
9 set forth in this section, which proposition shall be presented at a
10 general election. A sewage system may include any or all of the
11 following:

12 (1) Sanitary sewage collection, treatment, and/or disposal
13 facilities and programs, including without limitation on-site or off-
14 site sewerage facilities such as approved septic tanks or septic tank
15 systems, on-site sanitary sewerage systems, inspection programs and
16 maintenance programs for public or private on-site systems, or any
17 other means of sewage treatment and disposal;

18 (2) Facilities and programs for the protection of streams, lakes,
19 ground water, and saltwater bodies from pollution, including but not
20 limited to monitoring water quality, monitoring point and nonpoint
21 sources of pollution, removing or reducing water pollution, water
22 quality education and public involvement programs, and agricultural,
23 industrial, and commercial management programs to reduce water
24 pollution; and

25 (3) Public restroom and sanitary facilities.

26 Under this chapter, any requirements for pumping of an on-site
27 septic system should be based on an evaluation of the effectiveness of
28 the on-site septic system in disposing and treating sewerage.

29 **Sec. 8.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are
30 each reenacted and amended to read as follows:

31 A sewer district may acquire by purchase or by condemnation and
32 purchase all lands, property rights, water, and water rights, both
33 within and without the district, necessary for its purposes. A sewer
34 district may lease real or personal property necessary for its purposes
35 for a term of years for which such leased property may reasonably be
36 needed where in the opinion of the board of sewer commissioners such
37 property may not be needed permanently or substantial savings to the
38 district can be effected thereby. The right of eminent domain shall be

1 exercised in the same manner and by the same procedure as provided for
2 cities and towns, insofar as consistent with the provisions of this
3 title, except that all assessments or reassessment rolls required to
4 be filed by eminent domain commissioners or commissioners appointed by
5 the court shall be prepared and filed by the district, and the duties
6 devolving upon the city treasurer shall be imposed upon the county
7 treasurer for the purposes hereof. A sewer district may construct,
8 condemn and purchase, add to, maintain, and operate systems of sewers
9 for the purpose of furnishing the district and inhabitants thereof with
10 an adequate system of sewers for all uses and purposes, public and
11 private, including but not limited to on-site sewage disposal
12 facilities, approved septic tanks or approved septic tank systems, on-
site sanitary sewerage systems, inspection programs and maintenance
programs for private and public on-site systems, other facilities,
programs, and systems for the collection, interception, treatment, and
13 disposal of wastewater, and for the control of pollution from
14 wastewater and for the protection, preservation, and rehabilitation of
15 surface and underground waters, facilities for the drainage of storm or
16 surface waters, public highways, streets, and roads with full authority
17 to regulate the use, implementation, and operation thereof and the
18 service rates to be charged and may construct, acquire, or own
19 buildings and other necessary district facilities. Such sewage
20 facilities may include facilities which result in combined sewage
21 disposal, treatment, or drainage and electric generation, provided that
22 the electricity generated thereby is a byproduct of the system of
23 sewers. Such electricity may be used by the sewer district or sold to
24 any entity authorized by law to distribute electricity. Such
25 electricity is a byproduct when the electrical generation is
26 subordinate to the primary purpose of sewage disposal, treatment, or
27 drainage. For such purposes a district may conduct sewage throughout
28 the district and throughout other political subdivisions within the
29 district, and construct and lay sewer pipe along and upon public
30 highways, roads, and streets, within and without the district, and
31 condemn and purchase or acquire land and rights of way necessary for
32 such sewer pipe. A district may erect sewage treatment plants, within
33 or without the district, and may acquire by purchase or condemnation,
34 properties or privileges necessary to be had to protect any lakes,
35 rivers, or watercourses and also other areas of land from pollution,
36 from its sewers or its sewage treatment plant. For the purposes of

1 sewage facilities which include facilities which result in combined
2 sewage disposal, treatment, or drainage and electric generation where
3 the electric generation is a byproduct, nothing in this section may be
4 construed to authorize a district to condemn electric generating,
5 transmission, or distribution rights or facilities of entities
6 authorized by law to distribute electricity, or to acquire such rights
7 or facilities without the consent of the owner. A district may charge
8 property owners seeking to connect to the district system of sewers, as
9 a condition to granting the right to so connect, in addition to the
10 cost of such connection, such reasonable connection charge as the board
11 of commissioners shall determine to be proper in order that such
12 property owners shall bear their equitable share of the cost of such
13 system. For purposes of calculating a connection charge, the board of
14 commissioners shall determine the pro rata share of the cost of
15 existing facilities and facilities planned for construction within the
16 next ten years and contained in an adopted comprehensive plan and other
17 costs borne by the district which are directly attributable to the
18 improvements required by property owners seeking to connect to the
19 system. The cost of existing facilities shall not include those
20 portions of the system which have been donated or which have been paid
21 for by grants.

22 The connection charge may include interest charges applied from the
23 date of construction of the sewer system until the connection, or for
24 a period not to exceed ten years, whichever is shorter, at a rate
25 commensurate with the rate of interest applicable to the district at
26 the time of construction or major rehabilitation of the sewer system,
27 or at the time of installation of the sewer lines to which the property
28 owner is seeking to connect.

29 A district may permit payment of the cost of connection and the
30 reasonable connection charge to be paid with interest in installments
31 over a period not exceeding fifteen years. The county treasurer may
32 charge and collect a fee of three dollars per parcel for each year for
33 the treasurer's services. Such fees shall be a charge to be included
34 as part of each annual installment, and shall be credited to the county
35 current expense fund by the county treasurer. A district may compel
36 all property owners within the sewer district located within an area
37 served by the district system of sewers to connect their private drain
38 and sewer systems with the district system under such penalty as the
39 sewer commissioners shall prescribe by resolution. The district may

1 for such purpose enter upon private property and connect the private
2 drains or sewers with the district system and the cost thereof shall be
3 charged against the property owner and shall be a lien upon property
4 served.

5 Revenues from connection charges excluding permit fees are to be
6 considered payments in aid of construction as defined by department of
7 revenue rule.

8 **Sec. 9.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each
9 amended to read as follows:

10 The sewer commissioners before ordering any improvements hereunder
11 or submitting to vote any proposition for incurring indebtedness shall
12 adopt a general comprehensive plan for a system of sewers for the
13 district. They shall investigate all portions and sections of the
14 district and select a general comprehensive plan for a system of sewers
15 for the district suitable and adequate for present and reasonably
16 foreseeable future needs thereof. The general comprehensive plan shall
17 provide for treatment plants and other methods and programs for the
18 control and reduction of water pollution and for the treatment and
19 disposal of sewage and industrial and other liquid wastes now produced
20 or which may reasonably be expected to be produced within the district
21 and shall, for such portions of the district as may then reasonably be
22 served, provide for the acquisition or construction and installation of
23 laterals, trunk sewers, intercepting sewers, syphons, pumping stations,
24 or other sewage collection facilities. The general comprehensive plan
25 shall provide the method of distributing the cost and expense of the
26 sewer system and programs provided therein against the district and
27 against utility local improvement districts within the district,
28 including any utility local improvement district lying wholly or
29 partially within any other political subdivision included in the
30 district; and provide whether the whole or some part of the cost and
31 expenses shall be paid from sewer revenue bonds. The commissioners may
32 employ such engineering and legal services as they deem necessary in
33 carrying out the purposes hereof.

34 The general comprehensive plan shall be adopted by resolution and
35 submitted to an engineer designated by the legislative authority of the
36 county in which fifty-one percent or more of the area of the district
37 is located, and to the director of health of the county in which the
38 district or any portion thereof is located, and must be approved in

1 writing by the engineer and director of health. The general
2 comprehensive plan shall be approved, conditionally approved, or
3 rejected by the director of health within sixty days of the plan's
4 receipt and by the designated engineer within sixty days of the plan's
5 receipt. However, this sixty-day time limitation may be extended by
6 the director of health or engineer for up to an additional sixty days
7 if sufficient time is not available to review adequately the general
8 comprehensive plans.

9 Before becoming effective, the general comprehensive plan shall
10 also be submitted to, and approved by resolution of, the legislative
11 authority of every county within whose boundaries all or a portion of
12 the sewer district lies. The general comprehensive plan shall be
13 approved, conditionally approved, or rejected by each of these county
14 legislative authorities pursuant to the criteria in RCW 56.02.060 for
15 approving the formation, reorganization, annexation, consolidation, or
16 merger of sewer districts, and the resolution, ordinance, or motion of
17 the legislative body which rejects the comprehensive plan or a part
18 thereof shall specifically state in what particular the comprehensive
19 plan or part thereof rejected fails to meet these criteria. The
20 general comprehensive plan shall not provide for the extension or
21 location of facilities that are inconsistent with the requirements of
22 RCW 36.70A.110. Nothing in this chapter shall preclude a county from
23 rejecting a proposed plan because it is in conflict with the criteria
24 in RCW 56.02.060. Each general comprehensive plan shall be deemed
25 approved if the county legislative authority fails to reject or
26 conditionally approve the plan within ninety days of submission to the
27 county legislative authority or within thirty days of a hearing on the
28 plan when the hearing is held within ninety days of the plan's
29 submission to the county legislative authority. However, a county
30 legislative authority may extend this ninety-day time limitation by up
31 to an additional ninety days where a finding is made that ninety days
32 is insufficient to review adequately the general comprehensive plan.
33 In addition, the sewer commissioners and the county legislative
34 authority may mutually agree to an extension of the deadlines in this
35 section.

36 If the district includes portions or all of one or more cities or
37 towns, the general comprehensive plan shall be submitted also to, and
38 approved by resolution of, the governing body of such cities and towns
39 before becoming effective. The general comprehensive plan shall be

1 deemed approved by the city or town governing body if the city or town
2 governing body fails to reject or conditionally approve the plan within
3 ninety days of the plan's submission to the city or town or within
4 thirty days of a hearing on the plan when the hearing is held within
5 ninety days of submission to the county legislative authority.
6 However, a city or town governing body may extend this time limitation
7 by up to an additional ninety days where a finding is made that
8 insufficient time exists to adequately review the general comprehensive
9 plan within these time limitations. In addition, the sewer
10 commissioners and the city or town governing body may mutually agree to
11 an extension of the deadlines in this section.

12 Before becoming effective, any amendment to, alteration of, or
13 addition to, a general comprehensive plan shall also be subject to such
14 approval as if it were a new general comprehensive plan: PROVIDED,
15 That only if the amendment, alteration, or addition, affects a
16 particular city or town, shall the amendment, alteration, or addition
17 be subject to approval by such particular city or town governing body.

18 **Sec. 10.** RCW 70.146.060 and 1987 c 527 s 1 and 1987 c 436 s 7 are
19 each reenacted and amended to read as follows:

20 During the period from July 1, 1987, until June 30, 1995, the
21 following limitations shall apply to the department's total
22 distribution of funds appropriated from the water quality account:

23 (1) Not more than fifty percent for water pollution control
24 facilities which discharge directly into marine waters;

25 (2) Not more than twenty percent for water pollution control
26 activities that prevent or mitigate pollution of underground waters and
27 facilities that protect federally designated sole source aquifers with
28 at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

29 (3) Not more than ten percent for water pollution control
30 activities that protect freshwater lakes and rivers including but not
31 limited to Lake Chelan and the Yakima and Columbia rivers;

32 (4) Not more than ten percent for activities which control nonpoint
33 source water pollution;

34 (5) For the fiscal year 1995, ten percent and such sums as may be
35 remaining from the categories specified in subsections (1) through (4)
36 of this section for assisting local governments in establishing on-site
37 septic system inspection and maintenance programs, provided that such
38 programs meet applicable eligibility requirements. Any sums remaining

1 in this category after distributing grants for all eligible on-site
2 septic system inspection and maintenance programs shall be available
3 for water pollution control activities or facilities as determined by
4 the department; and

5 (6) Two and one-half percent of the total amounts of moneys under
6 subsections (1) through (5) of this section from February 21, 1986,
7 until December 31, 1995, shall be appropriated biennially to the state
8 conservation commission for the purposes of this chapter. Not less
9 than ten percent of the moneys received by the state conservation
10 commission under the provisions of this section shall be expended on
11 research activities.

12 Except for the provisions of subsection (5) of this section, the
13 distribution under this section shall not be required to be met in any
14 single fiscal year.

15 Funds provided for facilities and activities under this chapter may
16 be used for payments to a service provider under a service agreement
17 pursuant to RCW 70.150.060. If funds are to be used for such payments,
18 the department may make periodic disbursements to a public body or may
19 make a single lump sum disbursement. Disbursements of funds with
20 respect to a facility owned or operated by a service provider shall be
21 equivalent in value to disbursements that would otherwise be made if
22 that facility were owned or operated by a public body. Payments under
23 this chapter for waste disposal and management facilities made to
24 public bodies entering into service agreements pursuant to RCW
25 70.150.060 shall not exceed amounts paid to public bodies not entering
26 into service agreements.

27 NEW SECTION. **Sec. 11.** The legislature finds that the water
28 quality account established under RCW 70.146.030 and 70.146.060 is an
29 important source of funding for water pollution control facilities and
30 activities throughout the state. The legislature further finds that
31 the state's water quality funding needs change over time and that the
32 statutory allocation formula established under RCW 70.146.060 may not
33 correspond to current needs. Therefore, the legislature directs the
34 following standing committees of the senate and the house of
35 representatives to conduct a study of the water quality account: The
36 senate committee on ecology and parks, the senate committee on ways and
37 means, the house of representatives committee on environmental affairs,
38 the house of representatives committee on capital budget, and the house

1 of representatives committee on appropriations. The study shall
2 include but not be limited to: (1) A review of historical trends in
3 the state's water quality funding needs; (2) a review of resources
4 currently available to meet those needs; (3) an evaluation of the
5 extent to which the water quality account allocation formula
6 corresponds to current water quality needs; (4) recommendations for new
7 methods of distributing the water quality account money after the
8 current statutory allocation formula expires; and (5) recommendations
9 on potential new sources of funding for the water quality account. The
10 committees shall report their findings and recommendations to the
11 legislature by December 1, 1994.

12 **NEW SECTION.** **Sec. 12.** (1) Effective July 1, 2000, all on-site
13 septic systems located within environmentally sensitive areas shall
14 conform to the minimum state standards in effect as of July 1, 1995,
15 for the location, design, performance, and installation of such
16 systems. This requirement shall not apply to on-site systems that are
17 subject to an on-site septic system inspection and maintenance program;
18 provided that the entity administering the inspection and maintenance
19 program has authorized alternative measures that will adequately
20 protect public health and the environment. For the purposes of this
21 section, environmentally sensitive areas shall include:

- 22 (a) Sole source aquifers designated by the United States
23 environmental protection agency;
- 24 (b) Areas with a critical recharging effect on aquifers used for
25 potable water as designated under RCW 36.70A.170;
- 26 (c) Frequently flooded areas as designated under RCW 36.70A.170;
- 27 (d) Areas designated as public water supply wellhead protection
28 zones;
- 29 (e) Shellfish protection districts established under RCW 90.72.030,
30 or shellfish growing areas;
- 31 (f) Shorelines of the state as defined under RCW 90.58.030.

32 (2) The legislature finds that there are many on-site septic
33 systems throughout the state that were built and installed prior to
34 adoption of state standards for such systems. The legislature further
35 finds that many of these on-site systems are located in environmentally
36 sensitive areas where their failure could contribute to ground water
37 contamination, shellfish bed closures, and other public health hazards.

1 To bring such systems into conformance with current standards may pose
2 a financial hardship for many homeowners.

3 Therefore, the state board of health shall convene a task force to
4 examine methods for financing the improvement, retrofitting, or
5 replacement of nonconforming septic systems located in environmentally
6 sensitive areas. The task force shall consist of at least the
7 following members: One representative each from the department of
8 health, the Puget Sound water quality authority, and the department of
9 ecology; two representatives from local health jurisdictions; two
10 private individuals with expertise or interest in on-site septic
11 systems; and any other members the state board of health deems
12 necessary. The task force shall review existing studies and make
13 specific recommendations on financing strategies for the improvement,
14 retrofitting, or replacement of such systems, using both existing
15 funding sources and any new funding sources or programs that are
16 feasible. The task force shall submit a report to the legislature by
17 December 1, 1994.

18 NEW SECTION. **Sec. 13.** The state board of health shall, in
19 cooperation with the Puget Sound water quality authority, develop and
20 implement strategies, including the provision of incentives and
21 technical assistance, for encouraging local jurisdictions to establish
22 on-site septic system inspection and maintenance programs. The board
23 shall report to the legislature on the progress of such efforts by July
24 1, 1995.

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