
SENATE BILL 5838

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker, Morton and Winsley

Read first time 02/17/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to an on-site sewage system permit; amending RCW
2 70.118.050; adding a new section to chapter 70.05 RCW; adding new
3 sections to chapter 70.118 RCW; adding a new section to chapter 57.04
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW
7 to read as follows:

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

12 (2) If the local health officer denies an application to install an
13 on-site sewage system, the denial must be for cause and based upon
14 public health and environmental protection concerns, or conflicts with
15 other existing laws, regulations, or ordinances. The local health
16 officer must provide the applicant with a written justification for the
17 denial, along with an explanation of the procedure for appeal.

18 (3) If the local health officer identifies the application as
19 pending and subject to review beyond thirty days, the local health

1 officer must provide the applicant with a written justification that
2 the site-specific conditions or circumstances necessitate a longer time
3 period for a decision on the application. The local health officer
4 must include any specific information necessary to make a decision and
5 the estimated time required for a decision to be made, not to exceed
6 sixty days.

7 (4) A local health officer may not limit the number of alternative
8 sewage systems within his or her jurisdiction without cause. Any such
9 limitation must be based upon public health and environmental
10 protection concerns, or conflicts with other existing laws,
11 regulations, or ordinances. If such a limitation is established, the
12 local health officer must justify the limitation in writing, with
13 specific reasons, and must provide an explanation of the procedure for
14 appealing the limitation.

15 **Sec. 2.** RCW 70.118.050 and 1989 c 349 s 3 are each amended to read
16 as follows:

17 (1) If the legislative authority of a county or city finds that
18 more restrictive standards than those contained in section 2 of this
19 act or those adopted by the state board of health for systems allowed
20 under section 2 of this act or limitations on expansion of a residence
21 are necessary to ensure protection of the public health, attainment of
22 state water quality standards, and the protection of shellfish and
23 other public resources, the legislative authority may adopt ordinances
24 or resolutions setting standards as they may find necessary for
25 implementing their findings. The legislative authority may identify
26 the geographic areas where it is necessary to implement the more
27 restrictive standards. In addition, the legislative authority may
28 adopt standards for the design, construction, maintenance, and
29 monitoring of sewage disposal systems.

30 (2) The legislative authority of a county or city when sitting as
31 the board of health must respond to the applicant for an on-site sewage
32 system permit within thirty days after receiving a fully completed
33 application. The legislative authority must respond that the
34 application is either approved, denied, or pending.

35 (3) If the legislative authority, when sitting as the board of
36 health, denies an application to install an on-site sewage system, the
37 denial must be for cause and based upon public health and environmental
38 protection concerns, or conflicts with other existing laws,

1 regulations, or ordinances. The legislative authority must provide the
2 applicant with a written justification for the denial, along with an
3 explanation of the procedure for appeal.

4 (4) If the legislative authority, when sitting as the board of
5 health, identifies the application as pending and subject to review
6 beyond thirty days, the legislative authority must provide the
7 applicant with a written justification that the site-specific
8 conditions or circumstances necessitate a longer time period for a
9 decision on the application. The legislative authority must include
10 any specific information necessary to make a decision and the estimated
11 time required for a decision to be made, not to exceed sixty days.

12 (5) A legislative authority of a county or city when sitting as the
13 board of health may not limit the number of alternative sewage systems
14 within its jurisdiction without cause. Any such limitation must be
15 based upon public health and environmental concerns, or conflicts with
16 other existing laws, regulations, or ordinances. If such a limitation
17 is established, the legislative authority must justify the limitation
18 in writing, with specific reasons, and must provide an explanation of
19 the procedure for appealing the limitation.

20 NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW
21 to read as follows:

22 The department of health must include two people who are familiar
23 with the operation and maintenance of certified proprietary devices on
24 the technical review committee responsible for evaluating and making
25 recommendations to the department of health regarding the general use
26 of alternative on-site sewage systems in the state. One of the two
27 people shall be familiar with the operation of aerobic devices.

28 NEW SECTION. Sec. 4. A new section is added to chapter 57.04 RCW
29 to read as follows:

30 As an alternative means to forming a water-sewer district, a county
31 legislative authority may authorize the formation of a water-sewer
32 district to serve a new development that at the time of formation does
33 not have any residents, if it finds that the formation of such a
34 district is in the public interest. The county legislative authority
35 shall appoint the initial water-sewer commissioners of the district.
36 The commissioners shall serve until seventy-five percent of the
37 development is sold and occupied. The developer shall notify the

1 county auditor to conduct an election once seventy-five percent of the
2 development is sold and occupied. Commissioners serving under this
3 section are not entitled to any form of compensation from the district.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.118 RCW
5 to read as follows:

6 In order to assure that technical guidelines and standards keep
7 pace with advancing technologies, the department of health in
8 collaboration with the technical review committee, local health
9 departments, and other interested parties, must review and update as
10 appropriate, the state guidelines and standards for alternative on-site
11 sewage disposal every three years. The first review and update must be
12 completed by January 1, 1998.

13 NEW SECTION. **Sec. 6.** Nothing in this act may be deemed to
14 eliminate any requirements for approval from public health agencies
15 under applicable law in connection with the siting, design,
16 construction, and repair of on-site septic systems.

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