

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5636

Chapter 152, Laws of 1998

55th Legislature
1998 Regular Session

HEALTH INSPECTION WARRANTS IN RESPONSE TO POLLUTION IN SHELLFISH
HARVESTING AREAS--REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 9, 1998
YEAS 41 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House March 5, 1998
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 25, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5636** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 25, 1998 - 4:38 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5636

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Natural Resources & Parks (originally sponsored by Senators Oke, Swecker, Rossi and Horn)

Read first time 03/03/97.

1 AN ACT Relating to health inspection warrants; and amending RCW
2 70.118.030.

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

4 **Sec. 1.** RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended
5 to read as follows:

6 (1) Local boards of health shall identify failing septic tank
7 drainfield systems in the normal manner and will use reasonable effort
8 to determine new failures. The local health officer, environmental
9 health director, or equivalent officer may apply for an administrative
10 search warrant to a court official authorized to issue a criminal
11 search warrant. The warrant may only be applied for after the local
12 health officer or the health officer's designee has requested
13 inspection of the person's property under the specific administrative
14 plan required in this section, and the person has refused the health
15 officer or the health officer's designee access to the person's
16 property. Timely notice must be given to any affected person that a
17 warrant is being requested and that the person may be present at any
18 court proceeding to consider the requested search warrant. The court
19 official may issue the warrant upon probable cause. A request for a

1 search warrant must show the inspection, examination, test, or sampling
2 is in response to pollution in commercial or recreational shellfish
3 harvesting areas or pollution in fresh water. A specific
4 administrative plan must be developed expressly in response to the
5 pollution. The local health officer, environmental health director, or
6 equivalent officer shall submit the plan to the court as part of the
7 justification for the warrant, along with specific evidence showing
8 that it is reasonable to believe pollution is coming from the septic
9 system on the property to be accessed for inspection. The plan must
10 include each of the following elements:

11 (a) The overall goal of the inspection;

12 (b) The location and identification by address of the properties
13 being authorized for inspection;

14 (c) Requirements for giving the person owning the property and the
15 person occupying the property if it is someone other than the owner,
16 notice of the plan, its provisions, and times of any inspections;

17 (d) The survey procedures to be used in the inspection;

18 (e) The criteria that would be used to define an on-site sewage
19 system failure; and

20 (f) The follow-up actions that would be pursued once an on-site
21 sewage system failure has been identified and confirmed.

22 (2) Discretionary judgment will be made in implementing corrections
23 by specifying nonwater-carried sewage disposal devices or other
24 alternative methods of treatment and effluent disposal as a measure of
25 ameliorating existing substandard conditions. Local regulations shall
26 be consistent with the intent and purposes stated ((herein)) in this
27 section.

Passed the Senate March 9, 1998.

Passed the House March 5, 1998.

Approved by the Governor March 25, 1998.

Filed in Office of Secretary of State March 25, 1998.