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**HOUSE BILL 2420**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Hargrove and Sullivan

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

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

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

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

(a) Not impose or allow the imposition of excessive, unreasonable, or unnecessary obligations related to the repair or replacement of an on-site sewage system;

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

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

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

(a) Require any inspection of an on-site sewage system carried out by a professional inspector or public agency to be coordinated with the owner of the on-site sewage system prior to accessing the on-site sewage system. This coordination must include notification to the property owner at least five business days prior to accessing the property, unless the property owner waives the five-day notification period;

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

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

(d) Forbid local health jurisdictions from requiring private property owners to grant inspection easements for on-site sewage systems as a condition of permit issuance for on-site sewage systems that are located on and service a single property.

(3) Rules adopted by the board under RCW 43.20.050(3) may not require or allow a local health officer to require that any property owner obtain an inspection, monitoring, or maintenance contract with any person in order for the property owner to receive a permit to install an on-site sewage system.

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

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

(2) If the local health officer denies an application to install an on-site sewage system, the denial must be for cause and based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws, regulations, or ordinances. A local health officer may not deny or condition an application to install an on-site sewage system serving and located on a single property upon the granting of an easement allowing for the inspection or maintenance of the on-site sewage system. The local health officer must provide the applicant with a written justification for the denial, along with an explanation of the procedure for appeal.

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

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

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