
SUBSTITUTE HOUSE BILL 2248

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Hymes, Sehlin, Koster, Johnson, Hargrove, Beeksma, Chandler and Thompson)

Read first time 02/02/96.

1 AN ACT Relating to sewage disposal; amending RCW 70.118.050; adding
2 a new section to chapter 70.05 RCW; adding new sections to chapter
3 70.118 RCW; adding a new section to chapter 56.04 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that there has
7 been considerable growth in the number of options available for on-site
8 treatment and disposal of sewage in recent years, increasing the
9 potential for development of sites in which conventional sewage systems
10 will not work. The legislature finds that, despite these technological
11 advances, barriers to wide scale application of alternative systems
12 exist. Therefore, the legislature finds that barriers to the
13 installation of alternative on-site sewage systems that have already
14 been approved for general use should be accurately identified and
15 removed.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.05 RCW
17 to read as follows:

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

5 (2) If the local health officer denies an application to install an
6 on-site sewage system, the denial must be for cause and based upon
7 public health and environmental protection concerns, or conflicts with
8 other existing laws, regulations, or ordinances. The local health
9 officer shall provide the applicant with a written justification for
10 the denial, along with an explanation of the procedure for appeal.

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

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

26 **Sec. 3.** RCW 70.118.050 and 1989 c 349 s 3 are each amended to read
27 as follows:

28 (1) If the legislative authority of a county or city finds that
29 more restrictive standards than those contained in section 2 of this
30 act or those adopted by the state board of health for systems allowed
31 under section 2 of this act or limitations on expansion of a residence
32 are necessary to ensure protection of the public health, attainment of
33 state water quality standards, and the protection of shellfish and
34 other public resources, the legislative authority may adopt ordinances
35 or resolutions setting standards as they may find necessary for
36 implementing their findings. The legislative authority may identify
37 the geographic areas where it is necessary to implement the more
38 restrictive standards. In addition, the legislative authority may

1 adopt standards for the design, construction, maintenance, and
2 monitoring of sewage disposal systems.

3 (2) The legislative authority of a county or city must respond to
4 the applicant for an on-site sewage system permit within thirty days
5 after receiving a fully completed application. The legislative
6 authority must respond that the application is either approved, denied,
7 or pending.

8 (3) If the legislative authority denies an application to install
9 an on-site sewage system, the denial must be for cause and based upon
10 public health and environmental protection concerns, or conflicts with
11 other existing laws, regulations, or ordinances. The legislative
12 authority shall provide the applicant with a written justification for
13 the denial, along with an explanation of the procedure for appeal.

14 (4) If the legislative authority identifies the application as
15 pending and subject to review beyond thirty days, the legislative
16 authority shall provide the applicant with a written justification that
17 the site-specific conditions or circumstances necessitate a longer time
18 period for a decision on the application. The legislative authority
19 must include any specific information necessary to make a decision and
20 the estimated time required for a decision to be made.

21 (5) A legislative authority of a county or city may not limit the
22 number of alternative sewage systems within its jurisdiction without
23 cause. Any such limitation must be based upon public health and
24 environmental concerns, or conflicts with other existing laws,
25 regulations, or ordinances. If such a limitation is established, the
26 legislative authority must justify the limitation in writing, with
27 specific reasons, and must provide an explanation of the procedure for
28 appealing the limitation.

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

31 The department of health must include a person who is familiar with
32 the operation and maintenance of certified proprietary devices on the
33 technical review committee responsible for evaluating and making
34 recommendations to the department of health regarding the general use
35 of alternative on-site sewage systems in the state.

36 NEW SECTION. Sec. 5. A new section is added to chapter 56.04 RCW
37 to read as follows:

1 As an alternative means to forming a sewer district, a county
2 legislative authority may authorize the formation of a sewer district
3 to serve a new development that at the time of formation does not have
4 any residents, if it finds that the formation of such a district is in
5 the public interest. The county legislative authority shall appoint
6 the initial sewer commissioners of the district. The commissioners
7 shall serve until seventy-five percent of the development is sold and
8 occupied. The developer shall notify the county auditor to conduct an
9 election once seventy-five percent of the development is sold and
10 occupied. Commissioners serving under this section are not entitled to
11 any form of compensation from the district.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.118 RCW
13 to read as follows:

14 In order to assure that technical guidelines and standards keep
15 pace with advancing technologies, the department of health in
16 collaboration with the technical review committee, local health
17 departments, and other interested parties, shall review and update as
18 appropriate, the state guidelines and standards for alternative on-site
19 sewage disposal every three years. The first review and update shall
20 be completed by January 1, 1997.

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