
HOUSE BILL 2248

State of Washington

54th Legislature

1996 Regular Session

By Representatives Hymes, Sehlin, Koster, Johnson, Hargrove, Beeksma, Chandler and Thompson

Read first time 01/08/96. Referred to Committee on Government Operations.

1 AN ACT Relating to sewage disposal; amending RCW 70.118.050; adding
2 a new section to chapter 70.05 RCW; adding new a section 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 the
8 disposal of on-site sewage in recent years. The legislature also
9 recognizes that local health officers have been unable to keep abreast
10 of the many technological improvements in this area. The legislature
11 finds that this lack of technical expertise poses a significant barrier
12 to the development of sites in which conventional sewage disposal
13 systems will not work. The legislature therefore finds that barriers
14 to the installation of alternative on-site sewage disposal systems that
15 have already been approved for general use should be removed unless
16 there is scientific evidence that warrants limiting the use of such
17 systems.

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

3 (1) A local health officer may not prohibit or condition the
4 installation of an alternative on-site sewage disposal system that
5 meets the requirements of standard 40 of the national sewage
6 foundation, and has been approved by the national sewage foundation and
7 the department of health, unless there are specific findings supported
8 by scientific evidence that the installation of such a system will be
9 detrimental to the public health or the environment. The local health
10 officer must make these findings within fifteen days after the
11 submission of a fully completed application to install an alternative
12 on-site sewage disposal system.

13 (2) A local health officer may not limit the number of alternative
14 on-site sewage disposal systems within his or her jurisdiction unless
15 there are specific findings supported by scientific evidence that it
16 will be detrimental to the public health or environment if a limit is
17 not imposed.

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

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

33 (2) If an alternative on-site sewage disposal system meets the
34 requirements of standard 40 of the national sewage foundation, and has
35 been approved by the national sewage foundation and the department of
36 health, the installation of the system may not be prohibited or
37 conditioned unless there are specific findings supported by scientific

1 evidence that the installation of such a system will be detrimental to
2 the public health or environment.

3 (3) The legislative authority of a county, city, or town may not
4 limit the number of alterative on-site sewage disposal systems within
5 its jurisdiction unless there are specific findings supported by
6 scientific evidence that it will be detrimental to the public health or
7 environment if a limit is not imposed.

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

10 The department of health must include a person who is familiar with
11 the operation and maintenance of aerobic systems on the technical
12 review committee responsible for evaluating the general use of
13 alternative on-site sewage disposal systems in the state.

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

16 As alternative means to forming a sewer district, a county
17 legislative authority may authorize the formation of a sewer district
18 to serve a new development that at the time of formation does not have
19 any residents, if it finds that the formation of such a district is in
20 the public interest. The county legislative authority shall appoint
21 the initial sewer commissioners of the district. The commissioners
22 shall serve until seventy-five percent of the development is sold and
23 occupied. The developer shall notify the county auditor to conduct an
24 election once seventy-five percent of the development is sold and
25 occupied. Commissioners serving pursuant to this section are not
26 entitled to any form of compensation from the district.

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