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SENATE BILL 5247

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State of Washington

54th Legislature

1995 Regular Session

By Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser; by request of Puget Sound Water Quality Authority

Read first time 01/17/95. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to operating water pollution prevention, control,  
2 and reduction programs through local government systems of sewerage;  
3 amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020,  
4 36.94.140, 54.16.230, 56.08.020, 56.16.090, 57.08.065, and 90.72.040;  
5 reenacting and amending RCW 56.08.010; creating new sections; and  
6 providing an effective date.

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

8 NEW SECTION. **Sec. 1.** It is the purpose of this act to promote  
9 efficiency in delivering water quality programs and to assist local  
10 governments in promoting and achieving the prevention of water  
11 pollution through service-oriented utilities.

12 **Sec. 2.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read  
13 as follows:

14 A "system of sewerage" means and may include((s)) any or all of the  
15 following:

16 (1) Sanitary sewage ((~~disposal sewers~~)) collection, treatment,  
17 and/or disposal facilities and programs, including without limitation  
18 on-site or off-site sanitary sewerage facilities such as approved

1 septic tanks or septic tank systems, on-site sanitary sewerage systems,  
2 inspection programs and maintenance programs for public or private on-  
3 site systems, or any other means of sewage treatment and disposal  
4 approved by the city;

5 (2) Combined sanitary sewage disposal and storm or surface water  
6 (~~sewers~~) drains and facilities;

7 (3) Storm or surface water (~~sewers~~) drains and facilities;

8 (4) Outfalls for storm drainage or sanitary sewage and works,  
9 plants, and facilities for storm drainage or sanitary sewage treatment  
10 and disposal, (~~or~~) and rights and interests in property relating to  
11 the system;

12 (5) Combined water and sewerage systems;

13 (6) Facilities and programs for the protection of waters of the  
14 state as defined by RCW 90.48.020 from pollution, including but not  
15 limited to monitoring water quality; monitoring point and nonpoint  
16 sources of pollution; preventing, removing, or reducing water  
17 pollution; water quality education and public involvement programs; and  
18 agricultural, industrial, and commercial management practices programs  
19 to prevent and reduce water pollution;

20 (7) Public restroom and sanitary facilities; and

21 (8) Any combination of or part of any or all of such facilities.

22 The words "public utility" when used in this chapter shall have the  
23 same meaning as the words "system of sewerage."

24 **Sec. 3.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read  
25 as follows:

26 Every city and town may construct, condemn and purchase, acquire,  
27 add to, implement, maintain, conduct, and operate systems of sewerage  
28 and systems and plants for refuse collection and disposal together with  
29 additions, extensions, and betterments thereto, within and without its  
30 limits, with full jurisdiction and authority to manage, regulate, and  
31 control them and to fix, alter, regulate, and control the rates and  
32 charges for the use thereof: PROVIDED, That the rates charged must be  
33 uniform for the same class of customers or service.

34 In classifying customers served or service, facilities, and  
35 programs furnished by such system of sewerage, the city or town  
36 legislative body may in its discretion consider any or all of the  
37 following factors: The difference in cost of service, facilities, and  
38 programs to the various customers; the location of the various

1 customers within and without the city or town; the difference in cost  
2 of maintenance, operation, implementation, repair, and replacement of  
3 the various parts of the system; the different character of the  
4 service, facilities, and programs furnished various customers; the  
5 quantity and quality of the sewage delivered and the time of its  
6 delivery; the achievement of water conservation goals and the  
7 discouragement of wasteful water use practices; capital contributions  
8 made to the system, including but not limited to, assessments; and any  
9 other matters which present a reasonable difference as a ground for  
10 distinction.

11 A city or town may adjust or delay rates and charges and may  
12 provide other assistance to aid low-income persons in participating in  
13 programs and in complying with regulations imposed in connection with  
14 this chapter.

15 Under this chapter, any requirements for pumping of an on-site  
16 septic system should be based, among other things, on actual  
17 measurement of accumulation of sludge and scum by a trained operator,  
18 trained owner's agent, or trained owner.

19 **Sec. 4.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read  
20 as follows:

21 A city or town may construct, condemn and purchase, purchase,  
22 acquire, add to, alter, maintain, implement, and operate systems,  
23 plants, sites, or other facilities of sewerage as defined in RCW  
24 35.67.010, or solid waste handling as defined by RCW 70.95.030, and  
25 shall have full authority to manage, regulate, operate, control, and to  
26 fix the price of service, facility, or program of those systems,  
27 plants, sites, or other facilities within and without the limits of the  
28 city or town. The rates charged shall be uniform for the same class of  
29 customers or service, facility, or program. In classifying customers  
30 served or service, facilities, and programs furnished by a system or  
31 systems of sewerage, the legislative authority of the city or town may  
32 in its discretion consider any or all of the following factors: The  
33 difference in cost of service, facilities, and programs to customers;  
34 the location of customers within and without the city or town; the  
35 difference in cost of maintenance, operation, repair, and replacement  
36 of the parts of the system; the different character of the service,  
37 facilities, and programs furnished to customers; the quantity and  
38 quality of the sewage delivered and the time of its delivery; capital

1 contributions made to the systems, plants, sites, or other facilities,  
2 including but not limited to, assessments; and any other factors that  
3 present a reasonable difference as a ground for distinction.

4 A city or town may adjust or delay rates and charges and may  
5 provide other assistance to aid low-income persons in participating in  
6 programs and in complying with regulations imposed in connection with  
7 this chapter.

8 Under this chapter, any requirements for pumping of an on-site  
9 septic system should be based, among other things, on actual  
10 measurement of accumulation of sludge and scum by a trained operator,  
11 trained owner's agent, or trained owner.

12 **Sec. 5.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read  
13 as follows:

14 As used in this chapter:

15 (1) A "system of sewerage" means and may include(~~(s)~~) any or all of  
16 the following:

17 (a) Sanitary sewage collection, treatment, and/or disposal (~~(sewers~~  
18 and)) facilities and programs, including without limitation on-site or  
19 off-site sanitary sewerage facilities (~~(consisting of an)) such as~~  
20 approved septic tanks or septic tank systems, on-site sanitary sewerage  
21 systems, inspection programs and maintenance programs for private or  
22 public on-site systems, or any other means of sewage treatment and  
23 disposal approved by the county;

24 (b) Combined sanitary sewage disposal and storm or surface water  
25 drains and facilities;

26 (c) Storm or surface water drains, channels, and facilities;

27 (d) Outfalls for storm drainage or sanitary sewage and works,  
28 plants, and facilities for storm drainage or sanitary sewage treatment  
29 and disposal, and rights and interests in property relating to the  
30 system;

31 (e) Combined water and sewerage systems;

32 (f) Facilities and programs for the protection of waters of the  
33 state as defined by RCW 90.48.020 from pollution, including but not  
34 limited to monitoring water quality; monitoring point and nonpoint  
35 sources of pollution; removing or reducing water pollution; water  
36 quality education and public involvement programs; and agricultural,  
37 industrial, and commercial management practices programs to reduce  
38 water pollution;

1       (g) Public restroom and sanitary facilities;

2       (h) The facilities and programs authorized in RCW 36.94.020; and

3       (i) Any combination of or part of any or all of such facilities.

4       (2) A "system of water" means and includes:

5       (a) A water distribution system, including dams, reservoirs,  
6 aqueducts, plants, pumping stations, transmission and lateral  
7 distribution lines and other facilities for distribution of water;

8       (b) A combined water and sewerage system;

9       (c) Any combination of or any part of any or all of such  
10 facilities.

11       (3) A "sewerage and/or water general plan" means a general plan for  
12 a system of sewerage and/or water for the county which shall be an  
13 element of the comprehensive plan established by the county pursuant to  
14 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a  
15 comprehensive plan.

16       (a) A sewerage general plan shall include the general location and  
17 description of treatment and disposal facilities, trunk and interceptor  
18 sewers, pumping stations, monitoring and control facilities, channels,  
19 local service areas and a general description of the collection system  
20 to serve those areas, a description of on-site sanitary sewerage system  
21 inspection programs and maintenance programs, and other facilities and  
22 programs as may be required to provide a functional and implementable  
23 plan, including preliminary engineering to assure feasibility. The  
24 plan may also include a description of the regulations deemed  
25 appropriate to carrying out surface drainage plans.

26       (b) A water general plan shall include the general location and  
27 description of water resources to be utilized, wells, treatment  
28 facilities, transmission lines, storage reservoirs, pumping stations,  
29 and monitoring and control facilities as may be required to provide a  
30 functional and implementable plan.

31       (c) Water and/or sewerage general plans shall include preliminary  
32 engineering in adequate detail to assure technical feasibility and, to  
33 the extent then known, shall further discuss the methods of  
34 distributing the cost and expense of the system and shall indicate the  
35 economic feasibility of plan implementation. The plans may also  
36 specify local or lateral facilities and programs. The sewerage and/or  
37 water general plan does not mean the final engineering construction or  
38 financing plans for the system.

1 (4) "Municipal corporation" means and includes any city, town,  
2 metropolitan municipal corporation, any public utility district which  
3 operates and maintains a sewer or water system, any sewer, water,  
4 diking, or drainage district, any diking, drainage, and sewerage  
5 improvement district, and any irrigation district.

6 (5) A "private utility" means and includes all utilities, both  
7 public and private, which provide sewerage and/or water service and  
8 which are not municipal corporations within the definition of this  
9 chapter. The ownership of a private utility may be in a corporation,  
10 nonprofit or for profit, in a cooperative association, in a mutual  
11 organization, or in individuals.

12 (6) "Board" means one or more boards of county commissioners and/or  
13 the legislative authority of a home rule charter county.

14 **Sec. 6.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read  
15 as follows:

16 The construction, implementation, operation, and maintenance of a  
17 system of sewerage and/or water is a county purpose. Subject to the  
18 provisions of this chapter, every county has the power, individually or  
19 in conjunction with another county or counties to adopt, provide for,  
20 accept, establish, implement, condemn, purchase, construct, add to,  
21 operate, and maintain a system or systems of sanitary and storm sewers,  
22 including outfalls, interceptors, plans, and facilities and programs  
23 necessary for sewerage treatment and disposal, and/or system or systems  
24 of water supply within all or a portion of the county: PROVIDED, That  
25 counties shall not have power to condemn sewerage and/or water systems  
26 of any municipal corporation or private utility.

27 Such county or counties shall have the authority to control,  
28 regulate, implement, operate, and manage such system or systems and to  
29 provide funds therefor by general obligation bonds, revenue bonds,  
30 local improvement district bonds, utility local improvement district or  
31 local improvement district assessments, and in any other lawful fiscal  
32 manner.

33 Under this chapter, any requirements for pumping of an on-site  
34 septic system should be based, among other things, on actual  
35 measurement of accumulation of sludge and scum by a trained operator,  
36 trained owner's agent, or trained owner.

37 A county may, as part of a system of sewerage established under  
38 this chapter, provide for, finance, and operate any of the facilities

1 and programs and may exercise any of the powers authorized for county  
2 storm water, flood control, pollution prevention, and drainage programs  
3 and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A  
4 county also may provide for, finance, and operate any of the facilities  
5 and programs and may exercise any of the powers authorized for aquifer  
6 protection areas under chapter 36.36 RCW; for lake management districts  
7 under chapter 36.61 RCW; for any category of diking, drainage, or  
8 sewerage district or improvement district under Title 85 RCW; and for  
9 shellfish protection districts under chapter 90.72 RCW. However, if a  
10 county by reference to any of those statutes assumes as part of its  
11 system of sewerage any powers granted to such areas or districts and  
12 not otherwise available to a county under this chapter, then (1) the  
13 procedures and restrictions applicable to those areas or districts  
14 shall apply to the county's exercise of those powers, and (2) the  
15 county may not simultaneously impose rates and charges under this  
16 chapter and under the statutes authorizing such areas or districts for  
17 substantially the same programs and services, but must instead impose  
18 uniform rates and charges consistent with RCW 36.94.140. By agreement  
19 with such an area or district that is not part of a county's system of  
20 sewerage, a county may operate that area's or district's programs or  
21 facilities, but a county may not dissolve any existing area or district  
22 except in accordance with any applicable provisions of the statute  
23 under which that area or district was created.

24 **Sec. 7.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read  
25 as follows:

26 Every county, in the implementation and operation of a system of  
27 sewerage and/or water, shall have full jurisdiction and authority to  
28 manage, regulate and control it and to fix, alter, regulate and control  
29 the rates and charges for the service, facilities, and programs to  
30 those to whom such ((county)) service ((is)), facilities, and programs  
31 are available, and to levy charges for connection to such system. The  
32 rates for availability of service, facilities, programs, and connection  
33 charges so charged must be uniform for the same class of customers or  
34 service, facility, or program.

35 In classifying customers served, service furnished or made  
36 available by such system of sewerage and/or water, or the connection  
37 charges, the board may consider any or all of the following factors:

1 (1) The difference in cost of service to the various customers  
2 within or without the area;

3 (2) The difference in cost of maintenance, operation, repair and  
4 replacement of the various parts of the systems;

5 (3) The different character of the service, facilities, and  
6 programs furnished various customers;

7 (4) The quantity and quality of the sewage and/or water delivered  
8 and the time of its delivery;

9 (5) Capital contributions made to the system or systems, including,  
10 but not limited to, assessments;

11 (6) The cost of acquiring the system or portions of the system in  
12 making system improvements necessary for the public health and safety;  
13 and

14 (7) Any other matters which present a reasonable difference as a  
15 ground for distinction.

16 A county may adjust or delay rates and charges and may provide  
17 other assistance to aid low-income persons in participating in programs  
18 and in complying with regulations imposed in connection with this  
19 chapter.

20 Such rates shall produce revenues sufficient to take care of the  
21 costs of maintenance and operation, revenue bond and warrant interest  
22 and principal amortization requirements, and all other charges  
23 necessary for the efficient and proper operation of the system.

24 **Sec. 8.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended  
25 to read as follows:

26 A public utility district may acquire, construct, operate,  
27 maintain, and add to sewage systems, subject to and in compliance with  
28 the county comprehensive plan, under the general powers of Title 54 RCW  
29 or through the formation of local utility districts as provided in RCW  
30 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any  
31 sewage system works as authorized by this section, the voters of the  
32 public utility district shall first approve by majority vote a  
33 referendum proposition authorizing such district to exercise the powers  
34 set forth in this section, which proposition shall be presented at a  
35 general election. A sewage system may include any or all of the  
36 following:

37 (1) Sanitary sewage collection, treatment, and/or disposal  
38 facilities and programs, including without limitation on-site or off-



1 site sewerage facilities such as approved septic tanks or septic tank  
2 systems, on-site sanitary sewerage systems, inspection programs and  
3 maintenance programs for public or private on-site systems, or any  
4 other means of sewage treatment and disposal;

5 (2) Facilities and programs for the protection of waters of the  
6 state as defined by RCW 90.48.020 from pollution, including but not  
7 limited to monitoring water quality; monitoring point and nonpoint  
8 sources of pollution; preventing, removing, or reducing water  
9 pollution; water quality education and public involvement programs; and  
10 agricultural, industrial, and commercial management programs to reduce  
11 water pollution; and

12 (3) Public restroom and sanitary facilities.

13 A public utility district may adjust or delay rates and charges and  
14 may provide other assistance to aid low-income persons in complying  
15 with regulations imposed in connection with this section.

16 Under this chapter, any requirements for pumping of an on-site  
17 septic system should be based, among other things, on actual  
18 measurement of accumulation of sludge and scum by a trained operator,  
19 trained owner's agent, or trained owner.

20 **Sec. 9.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are  
21 each reenacted and amended to read as follows:

22 A sewer district may acquire by purchase or by condemnation and  
23 purchase all lands, property rights, water, and water rights, both  
24 within and without the district, necessary for its purposes. A sewer  
25 district may lease real or personal property necessary for its purposes  
26 for a term of years for which such leased property may reasonably be  
27 needed where in the opinion of the board of sewer commissioners such  
28 property may not be needed permanently or substantial savings to the  
29 district can be effected thereby. The right of eminent domain shall be  
30 exercised in the same manner and by the same procedure as provided for  
31 cities and towns, insofar as consistent with the provisions of this  
32 title, except that all assessments or reassessment rolls required to  
33 be filed by eminent domain commissioners or commissioners appointed by  
34 the court shall be prepared and filed by the district, and the duties  
35 devolving upon the city treasurer shall be imposed upon the county  
36 treasurer for the purposes hereof. A sewer district may construct,  
37 condemn and purchase, add to, maintain, and operate systems of sewers  
38 for the purpose of furnishing the district and inhabitants thereof with

1 an adequate system of sewers for all uses and purposes, public and  
2 private, including but not limited to on-site sewage disposal  
3 facilities, approved septic tanks or approved septic tank systems, on-  
4 site sanitary sewerage systems, inspection programs and maintenance  
5 programs for private and public on-site systems, other facilities,  
6 programs, and systems for the collection, interception, treatment, and  
7 disposal of wastewater, and for the control of pollution from  
8 wastewater and for the protection, preservation, and rehabilitation of  
9 surface and underground waters, facilities for the drainage of storm or  
10 surface waters, public highways, streets, and roads with full authority  
11 to regulate the use, implementation, and operation thereof and the  
12 service rates to be charged and may construct, acquire, or own  
13 buildings and other necessary district facilities. Under this chapter,  
14 any requirements for pumping of an on-site septic system should be  
15 based, among other things, on actual measurement of accumulation of  
16 sludge and scum by a trained operator, trained owner's agent, or  
17 trained owner. Such sewage facilities may include facilities which  
18 result in combined sewage disposal, treatment, or drainage and electric  
19 generation, provided that the electricity generated thereby is a  
20 byproduct of the system of sewers. Such electricity may be used by the  
21 sewer district or sold to any entity authorized by law to distribute  
22 electricity. Such electricity is a byproduct when the electrical  
23 generation is subordinate to the primary purpose of sewage disposal,  
24 treatment, or drainage. For such purposes a district may conduct  
25 sewage throughout the district and throughout other political  
26 subdivisions within the district, and construct and lay sewer pipe  
27 along and upon public highways, roads, and streets, within and without  
28 the district, and condemn and purchase or acquire land and rights of  
29 way necessary for such sewer pipe. A district may erect sewage  
30 treatment plants, within or without the district, and may acquire by  
31 purchase or condemnation, properties or privileges necessary to be had  
32 to protect any lakes, rivers, or watercourses and also other areas of  
33 land from pollution, from its sewers or its sewage treatment plant.  
34 For the purposes of sewage facilities which include facilities which  
35 result in combined sewage disposal, treatment, or drainage and electric  
36 generation where the electric generation is a byproduct, nothing in  
37 this section may be construed to authorize a district to condemn  
38 electric generating, transmission, or distribution rights or facilities  
39 of entities authorized by law to distribute electricity, or to acquire

1 such rights or facilities without the consent of the owner. A district  
2 may charge property owners seeking to connect to the district system of  
3 sewers, as a condition to granting the right to so connect, in addition  
4 to the cost of such connection, such reasonable connection charge as  
5 the board of commissioners shall determine to be proper in order that  
6 such property owners shall bear their equitable share of the cost of  
7 such system. For purposes of calculating a connection charge, the  
8 board of commissioners shall determine the pro rata share of the cost  
9 of existing facilities and facilities planned for construction within  
10 the next ten years and contained in an adopted comprehensive plan and  
11 other costs borne by the district which are directly attributable to  
12 the improvements required by property owners seeking to connect to the  
13 system. The cost of existing facilities shall not include those  
14 portions of the system which have been donated or which have been paid  
15 for by grants.

16 The connection charge may include interest charges applied from the  
17 date of construction of the sewer system until the connection, or for  
18 a period not to exceed ten years, whichever is shorter, at a rate  
19 commensurate with the rate of interest applicable to the district at  
20 the time of construction or major rehabilitation of the sewer system,  
21 or at the time of installation of the sewer lines to which the property  
22 owner is seeking to connect.

23 A district may permit payment of the cost of connection and the  
24 reasonable connection charge to be paid with interest in installments  
25 over a period not exceeding fifteen years. The county treasurer may  
26 charge and collect a fee of three dollars per parcel for each year for  
27 the treasurer's services. Such fees shall be a charge to be included  
28 as part of each annual installment, and shall be credited to the county  
29 current expense fund by the county treasurer. A district may compel  
30 all property owners within the sewer district located within an area  
31 served by the district system of sewers to connect their private drain  
32 and sewer systems with the district system under such penalty as the  
33 sewer commissioners shall prescribe by resolution. The district may  
34 for such purpose enter upon private property and connect the private  
35 drains or sewers with the district system and the cost thereof shall be  
36 charged against the property owner and shall be a lien upon property  
37 served.

1 Revenues from connection charges excluding permit fees are to be  
2 considered payments in aid of construction as defined by department of  
3 revenue rule.

4 **Sec. 10.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each  
5 amended to read as follows:

6 The sewer commissioners before ordering any improvements hereunder  
7 or submitting to vote any proposition for incurring indebtedness shall  
8 adopt a general comprehensive plan for a system of sewers for the  
9 district. They shall investigate all portions and sections of the  
10 district and select a general comprehensive plan for a system of sewers  
11 for the district suitable and adequate for present and reasonably  
12 foreseeable future needs thereof. The general comprehensive plan shall  
13 provide for treatment plants and other methods and programs for the  
14 prevention, control, and reduction of water pollution and for the  
15 treatment and disposal of sewage and industrial and other liquid wastes  
16 now produced or which may reasonably be expected to be produced within  
17 the district and shall, for such portions of the district as may then  
18 reasonably be served, provide for the acquisition or construction and  
19 installation of laterals, trunk sewers, intercepting sewers, syphons,  
20 pumping stations, or other sewage collection facilities. The general  
21 comprehensive plan shall provide the method of distributing the cost  
22 and expense of the sewer system and programs provided therein against  
23 the district and against utility local improvement districts within the  
24 district, including any utility local improvement district lying wholly  
25 or partially within any other political subdivision included in the  
26 district; and provide whether the whole or some part of the cost and  
27 expenses shall be paid from sewer revenue bonds. The commissioners may  
28 employ such engineering and legal services as they deem necessary in  
29 carrying out the purposes hereof.

30 The general comprehensive plan shall be adopted by resolution and  
31 submitted to an engineer designated by the legislative authority of the  
32 county in which fifty-one percent or more of the area of the district  
33 is located, and to the director of health of the county in which the  
34 district or any portion thereof is located, and must be approved in  
35 writing by the engineer and director of health. The general  
36 comprehensive plan shall be approved, conditionally approved, or  
37 rejected by the director of health within sixty days of the plan's  
38 receipt and by the designated engineer within sixty days of the plan's

1 receipt. However, this sixty-day time limitation may be extended by  
2 the director of health or engineer for up to an additional sixty days  
3 if sufficient time is not available to review adequately the general  
4 comprehensive plans.

5 Before becoming effective, the general comprehensive plan shall  
6 also be submitted to, and approved by resolution of, the legislative  
7 authority of every county within whose boundaries all or a portion of  
8 the sewer district lies. The general comprehensive plan shall be  
9 approved, conditionally approved, or rejected by each of these county  
10 legislative authorities pursuant to the criteria in RCW 56.02.060 for  
11 approving the formation, reorganization, annexation, consolidation, or  
12 merger of sewer districts, and the resolution, ordinance, or motion of  
13 the legislative body which rejects the comprehensive plan or a part  
14 thereof shall specifically state in what particular the comprehensive  
15 plan or part thereof rejected fails to meet these criteria. The  
16 general comprehensive plan shall not provide for the extension or  
17 location of facilities that are inconsistent with the requirements of  
18 RCW 36.70A.110. Nothing in this chapter shall preclude a county from  
19 rejecting a proposed plan because it is in conflict with the criteria  
20 in RCW 56.02.060. Each general comprehensive plan shall be deemed  
21 approved if the county legislative authority fails to reject or  
22 conditionally approve the plan within ninety days of submission to the  
23 county legislative authority or within thirty days of a hearing on the  
24 plan when the hearing is held within ninety days of the plan's  
25 submission to the county legislative authority. However, a county  
26 legislative authority may extend this ninety-day time limitation by up  
27 to an additional ninety days where a finding is made that ninety days  
28 is insufficient to review adequately the general comprehensive plan.  
29 In addition, the sewer commissioners and the county legislative  
30 authority may mutually agree to an extension of the deadlines in this  
31 section.

32 If the district includes portions or all of one or more cities or  
33 towns, the general comprehensive plan shall be submitted also to, and  
34 approved by resolution of, the governing body of such cities and towns  
35 before becoming effective. The general comprehensive plan shall be  
36 deemed approved by the city or town governing body if the city or town  
37 governing body fails to reject or conditionally approve the plan within  
38 ninety days of the plan's submission to the city or town or within  
39 thirty days of a hearing on the plan when the hearing is held within

1 ninety days of submission to the county legislative authority.  
2 However, a city or town governing body may extend this time limitation  
3 by up to an additional ninety days where a finding is made that  
4 insufficient time exists to adequately review the general comprehensive  
5 plan within these time limitations. In addition, the sewer  
6 commissioners and the city or town governing body may mutually agree to  
7 an extension of the deadlines in this section.

8 Before becoming effective, any amendment to, alteration of, or  
9 addition to, a general comprehensive plan shall also be subject to such  
10 approval as if it were a new general comprehensive plan: PROVIDED,  
11 That only if the amendment, alteration, or addition, affects a  
12 particular city or town, shall the amendment, alteration, or addition  
13 be subject to approval by such particular city or town governing body.

14 **Sec. 11.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to  
15 read as follows:

16 The sewer commissioners of any sewer district, in the event that  
17 such sewer revenue bonds are issued, shall provide for revenues by  
18 fixing rates and charges for the furnishing of sewerage disposal  
19 service, facilities, and programs to those to whom such service is  
20 available. Such rates and charges may be combined for the furnishing  
21 of more than one type of sewer service, facility, and program such as  
22 but not limited to storm or surface water and sanitary. Such rates and  
23 charges are to be fixed as deemed necessary by such sewer  
24 commissioners, so that uniform charges will be made for the same class  
25 of customer or service, facility, and program.

26 In classifying customers served or service, facility, or program  
27 furnished by such system of sewerage, the board of commissioners may in  
28 its discretion consider any or all of the following factors: The  
29 difference in cost ((~~of service~~)) to the various customers; the  
30 location of the various customers within and without the district; the  
31 difference in cost of maintenance, operation, repair, and replacement  
32 of the various parts of the system; the different character of the  
33 service, facility, or program furnished various customers; the quantity  
34 and quality of the sewage delivered and the time of its delivery; the  
35 achievement of water conservation goals and the discouragement of  
36 wasteful water use practices; capital contributions made to the system  
37 including but not limited to assessments; and any other matters which  
38 present a reasonable difference as a ground for distinction. Such

1 rates are to be made on a monthly basis and shall produce revenues  
2 sufficient to take care of the costs of maintenance and operation,  
3 revenue bond and warrant interest and principal amortization  
4 requirements, and all other charges necessary for efficient and proper  
5 operation of the system.

6 **Sec. 12.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read  
7 as follows:

8 In addition to the powers now given water districts by law, they  
9 shall also have power to establish, maintain and operate a mutual water  
10 and ~~((sewer))~~ sewerage system or a separate ~~((sewer))~~ system of  
11 sewerage within their water district area in the same manner as  
12 provided by law for the doing thereof in connection with water supply  
13 systems.

14 In addition thereto, a water district constructing, maintaining  
15 ~~((and)),~~ operating, and implementing a ~~((sanitary-sewer))~~ system of  
16 sewerage may exercise all the powers permitted to a sewer district  
17 under Title 56 RCW, including, but not limited to, the right to compel  
18 connections to the district's system, liens for delinquent sewer  
19 connection charges or sewer service charges, and all other powers  
20 presently exercised by or which may be hereafter granted to such sewer  
21 districts: PROVIDED, That a water district may not exercise sewer  
22 district powers in any area within its boundaries which is part of an  
23 existing district which previously shall have been duly authorized to  
24 exercise sewer district powers in such area without the consent by  
25 resolution of the board of commissioners of such other district:  
26 PROVIDED FURTHER, That no water district shall proceed to exercise the  
27 powers herein granted to establish, maintain, construct and operate any  
28 ~~((sewer))~~ system of sewerage without first obtaining written approval  
29 and certification of necessity so to do from the department of ecology  
30 and department of ~~((social—and))~~ health ~~((services))~~. Any  
31 comprehensive plan for a system of sewers or addition thereto or  
32 betterment thereof shall be approved by the same county and state  
33 officials as are required to approve such plans adopted by a sewer  
34 district.

35 A water district shall have the power to issue general obligation  
36 bonds for sewer system purposes: PROVIDED, That a proposition to  
37 authorize general obligation bonds payable from excess tax levies for  
38 sewer system purposes pursuant to chapter 56.16 RCW shall be submitted

1 to all of the qualified voters within that part of the water district  
2 which is not contained within another existing district duly authorized  
3 to exercise sewer district powers, and the taxes to pay the principal  
4 of and interest on the bonds approved by such voters shall be levied  
5 only upon all of the taxable property within such part of the water  
6 district.

7       **Sec. 13.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read  
8 as follows:

9       (1) The county legislative authority may create a shellfish  
10 protection district on its own motion or by submitting the question to  
11 the voters of the proposed district and obtaining the approval of a  
12 majority of those voting. The boundaries of the district shall be  
13 determined by the legislative authority. The legislative authority may  
14 create more than one district. A district may include any area or  
15 areas within the county, whether incorporated or unincorporated.  
16 Counties shall coordinate and cooperate with cities, towns, and water-  
17 related special districts within their boundaries in establishing  
18 shellfish protection districts and carrying out shellfish protection  
19 programs. Where a portion of the proposed district lies within an  
20 incorporated area, the county shall develop procedures for the  
21 participation of the city or town in the determination of the  
22 boundaries of the district and the administration of the district,  
23 including funding of the district's programs. The legislative  
24 authority of more than one county may by agreement provide for the  
25 creation of a district including areas within each of those counties.  
26 County legislative authorities are encouraged to coordinate their plans  
27 and programs to protect shellfish growing areas, especially where  
28 shellfish growing areas are located within the boundaries of more than  
29 one county. The legislative authority or authorities creating a  
30 district may abolish a shellfish protection district on its or their  
31 own motion or by submitting the question to the voters of the district  
32 and obtaining the approval of a majority of those voting.

33       (2) If the county legislative authority creates a shellfish  
34 protection district by its own motion, any registered voter residing  
35 within the boundaries of the shellfish protection district may file a  
36 referendum petition to repeal the ordinance that created the district.  
37 Any referendum petition to repeal the ordinance creating the shellfish  
38 protection district shall be filed with the county auditor within seven



1 days of passage of the ordinance. Within ten days of the filing of a  
2 petition, the county auditor shall confer with the petitioner  
3 concerning form and style of the petition, issue an identification  
4 number for the petition, and write a ballot title for the measure. The  
5 ballot title shall be posed as a question so that an affirmative answer  
6 to the question and an affirmative vote on the measure results in  
7 creation of the shellfish protection district and a negative answer to  
8 the question and a negative vote on the measure results in the  
9 shellfish protection district not being created. The petitioner shall  
10 be notified of the identification number and ballot title within this  
11 ten-day period.

12 After this notification, the petitioner shall have thirty days in  
13 which to secure on petition forms the signatures of not less than  
14 twenty-five percent of the registered voters residing within the  
15 boundaries of the shellfish protection district and file the signed  
16 petitions with the county auditor. Each petition form shall contain  
17 the ballot title and full text of the measure to be referred. The  
18 county auditor shall verify the sufficiency of the signatures on the  
19 petitions. If sufficient valid signatures are properly submitted, the  
20 county auditor shall submit the referendum measure to the registered  
21 voters residing in the shellfish protection district in a special  
22 election no later than one hundred twenty days after the signed  
23 petition has been filed with the county auditor. The special election  
24 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

25 (3) The county legislative authority shall not impose fees, rates,  
26 or charges for shellfish protection district programs upon properties  
27 on which fees, rates, or charges are imposed (~~(to pay for another~~  
28 ~~program to eliminate or decrease contamination in storm water runoff)~~)  
29 under chapter 36.89 or 36.94 RCW for substantially the same programs  
30 and services.

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

1        NEW SECTION.    **Sec. 15.**    Section 8 of this act shall take effect  
2    January 1, 1996.

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