

2 **SSB 5838** - H COMM AMD
3 By Committee on Appropriations

4 ADOPTED AS AMENDED 4/14/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that improperly
8 designed, installed, or maintained on-site sewage disposal systems are
9 a major contributor to water pollution in this state. The legislature
10 also recognizes that evolving technology has produced many viable
11 alternatives to traditional on-site septic systems. It is the purpose
12 of this act to help facilitate the siting of new alternative on-site
13 septic systems and to assist local governments in promoting efficient
14 operation of on-site septic these systems.

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

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

21 (2) If the local health officer denies an application to install an
22 on-site sewage system, the denial must be for cause and based upon
23 public health and environmental protection concerns, including concerns
24 regarding the ability to operate and maintain the system, or conflicts
25 with other existing laws, regulations, or ordinances. The local health
26 officer must provide the applicant with a written justification for the
27 denial, along with an explanation of the procedure for appeal.

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

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

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118 RCW
11 to read as follows:

12 The department of health must include one person who is familiar
13 with the operation and maintenance of certified proprietary devices on
14 the technical review committee responsible for evaluating and making
15 recommendations to the department of health regarding the general use
16 of alternative on-site sewage systems in the state.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 57.04 RCW
18 to read as follows:

19 (1) As an alternative means to forming a water-sewer district, a
20 county legislative authority may authorize the formation of a water-
21 sewer district to serve a new development that at the time of formation
22 does not have any residents, at written request of sixty percent of the
23 owners of the area to be included in the proposed district. The county
24 legislative authority shall review the proposed district according to
25 the procedures and criteria in RCW 57.02.040.

26 (2) The county legislative authority shall appoint the initial
27 water-sewer commissioners of the district. The commissioners shall
28 serve until seventy-five percent of the development is sold and
29 occupied, or until some other time as specified by the county
30 legislative authority when the district is approved. Commissioners
31 serving under this section are not entitled to any form of compensation
32 from the district.

33 (3) New commissioners shall be elected according to the procedures
34 in chapter 57.12 RCW at the next election held under RCW 29.13.010 that
35 follows more than ninety days after the date seventy-five percent of
36 the development is sold and occupied, or after the time specified by
37 the county legislative authority when the district is approved.

1 (4) A water-sewer district created under this section may be
2 transferred to a city or county, or dissolved if the district is
3 inactive, by order of the county legislative authority at the written
4 request of sixty percent of the owners of the area included in the
5 district.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.118 RCW
7 to read as follows:

8 In order to assure that technical guidelines and standards keep
9 pace with advancing technologies, the department of health in
10 collaboration with the technical review committee, local health
11 departments, and other interested parties, must review and update as
12 appropriate, the state guidelines and standards for alternative on-site
13 sewage disposal every three years. The first review and update must be
14 completed by January 1, 1999.

15 NEW SECTION. **Sec. 6.** Nothing in sections 2 through 4 of this act
16 may be deemed to eliminate any requirements for approval from public
17 health agencies under applicable law in connection with the siting,
18 design, construction, and repair of on-site septic systems.

19 **Sec. 7.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read
20 as follows:

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

23 (1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment,
24 and/or disposal facilities and services, on-site or off-site sanitary
25 sewerage facilities, inspection services and maintenance services for
26 public or private on-site systems, or any other means of sewage
27 treatment and disposal approved by the city;

28 (2) Combined sanitary sewage disposal and storm or surface water
29 sewers;

30 (3) Storm or surface water sewers;

31 (4) Outfalls for storm drainage or sanitary sewage and works,
32 plants, and facilities for storm drainage or sanitary sewage treatment
33 and disposal, ((or)) and rights and interests in property relating to
34 the system;

35 (5) Combined water and sewerage systems;

1 (6) Point and nonpoint water pollution monitoring programs that are
2 directly related to the sewerage facilities and programs operated by a
3 city or town;

4 (7) Public restroom and sanitary facilities; and

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

6 The words "public utility" when used in this chapter (~~shall have~~)
7 has the same meaning as the words "system of sewerage."

8 **Sec. 8.** RCW 35.67.020 and 1995 c 124 s 3 are each amended to read
9 as follows:

10 Every city and town may construct, condemn and purchase, acquire,
11 add to, maintain, conduct, and operate systems of sewerage and systems
12 and plants for refuse collection and disposal together with additions,
13 extensions, and betterments thereto, within and without its limits,
14 with full jurisdiction and authority to manage, regulate, and control
15 them and to fix, alter, regulate, and control the rates and charges for
16 their use. The rates charged must be uniform for the same class of
17 customers or service and facilities furnished.

18 In classifying customers served or service and facilities furnished
19 by such system of sewerage, the city or town legislative body may in
20 its discretion consider any or all of the following factors: (1) The
21 difference in cost of service and facilities to the various customers;
22 (2) the location of the various customers within and without the city
23 or town; (3) the difference in cost of maintenance, operation, repair,
24 and replacement of the various parts of the system; (4) the different
25 character of the service and facilities furnished various customers;
26 (5) the quantity and quality of the sewage delivered and the time of
27 its delivery; (6) the achievement of water conservation goals and the
28 discouragement of wasteful water use practices; (7) capital
29 contributions made to the system, including but not limited to,
30 assessments; (8) the nonprofit public benefit status, as defined in RCW
31 24.03.490, of the land user; and (9) any other matters which present a
32 reasonable difference as a ground for distinction. Rates or charges
33 for on-site inspection and maintenance services may not be imposed
34 under this chapter on the development, construction, or reconstruction
35 of property.

36 A city or town may provide assistance to aid low-income persons in
37 connection with services provided under this chapter.

1 Under this chapter, after July 1, 1998, any requirements for
2 pumping the septic tank of an on-site sewage system should be based,
3 among other things, on actual measurement of accumulation of sludge and
4 scum by a trained inspector, trained owner's agent, or trained owner.
5 Training must occur in a program approved by the state board of health
6 or by a local health officer.

7 Before adopting on-site inspection and maintenance utility
8 services, or incorporating residences into an on-site inspection and
9 maintenance or sewer utility under this chapter, notification must be
10 provided, prior to the applicable public hearing, to all residences
11 within the proposed service area that have on-site systems permitted by
12 the local health officer. The notice must clearly state that the
13 residence is within the proposed service area and must provide
14 information on estimated rates or charges that may be imposed for the
15 service.

16 A city or town shall not provide on-site sewage system inspection,
17 pumping services, or other maintenance or repair services under this
18 section using city or town employees unless the on-site system is
19 connected by a publicly owned collection system to the city or town's
20 sewerage system, and the on-site system represents the first step in
21 the sewage disposal process. Nothing in this section shall affect the
22 authority of state or local health officers to carry out their
23 responsibilities under any other applicable law.

24 **Sec. 9.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read
25 as follows:

26 A city or town may construct, condemn and purchase, purchase,
27 acquire, add to, alter, maintain, and operate systems, plants, sites,
28 or other facilities of sewerage as defined in RCW 35.67.010, or solid
29 waste handling as defined by RCW 70.95.030, and shall have full
30 authority to manage, regulate, operate, control, and to fix the price
31 of service and facilities of those systems, plants, sites, or other
32 facilities within and without the limits of the city or town. The
33 rates charged shall be uniform for the same class of customers or
34 service and facilities. In classifying customers served or service
35 and facilities furnished by a system or systems of sewerage, the
36 legislative authority of the city or town may in its discretion
37 consider any or all of the following factors: (1) The difference in
38 cost of service and facilities to customers; (2) the location of

1 customers within and without the city or town; (3) the difference in
2 cost of maintenance, operation, repair, and replacement of the parts of
3 the system; (4) the different character of the service and facilities
4 furnished to customers; (5) the quantity and quality of the sewage
5 delivered and the time of its delivery; (6) capital contributions made
6 to the systems, plants, sites, or other facilities, including but not
7 limited to, assessments; (7) the nonprofit public benefit status, as
8 defined in RCW 24.03.490, of the land user; and (8) any other factors
9 that present a reasonable difference as a ground for distinction.
10 Rates or charges for on-site inspection and maintenance services may
11 not be imposed under this chapter on the development, construction, or
12 reconstruction of property.

13 A city or town may provide assistance to aid low-income persons in
14 connection with services provided under this chapter.

15 Under this chapter, after July 1, 1998, any requirements for
16 pumping the septic tank of an on-site sewage system should be based,
17 among other things, on actual measurement of accumulation of sludge and
18 scum by a trained inspector, trained owner's agent, or trained owner.
19 Training must occur in a program approved by the state board of health
20 or by a local health officer.

21 Before adopting on-site inspection and maintenance utility
22 services, or incorporating residences into an on-site inspection and
23 maintenance or sewer utility under this chapter, notification must be
24 provided, prior to the applicable public hearing, to all residences
25 within the proposed service area that have on-site systems permitted by
26 the local health officer. The notice must clearly state that the
27 residence is within the proposed service area and must provide
28 information on estimated rates or charges that may be imposed for the
29 service.

30 A city or town shall not provide on-site sewage system inspection,
31 pumping services, or other maintenance or repair services under this
32 section using city or town employees unless the on-site system is
33 connected by a publicly owned collection system to the city or town's
34 sewerage system, and the on-site system represents the first step in
35 the sewage disposal process. Nothing in this section shall affect the
36 authority of state or local health officers to carry out their
37 responsibilities under any other applicable law.

1 **Sec. 10.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to
2 read as follows:

3 As used in this chapter:

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

6 (a) Sanitary sewage collection, treatment, and/or disposal ~~((sewers~~
7 ~~and))~~ facilities and services, including without limitation on-site or
8 off-site sanitary sewerage facilities ~~((consisting of an approved~~
9 ~~septic tank or septic tank systems))~~, inspection services and
10 maintenance services for private or public on-site systems, or any
11 other means of sewage treatment and disposal approved by the county;

12 (b) Combined sanitary sewage disposal and storm or surface water
13 drains and facilities;

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

15 (d) Outfalls for storm drainage or sanitary sewage and works,
16 plants, and facilities for storm drainage or sanitary sewage treatment
17 and disposal, and rights and interests in property relating to the
18 system;

19 (e) Combined water and sewerage systems;

20 (f) Point and nonpoint water pollution monitoring programs that are
21 directly related to the sewerage facilities and programs operated by a
22 county;

23 (g) Public restroom and sanitary facilities;

24 (h) The facilities and services authorized in RCW 36.94.020; and

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

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

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

30 (b) A combined water and sewerage system;

31 (c) Any combination of or any part of any or all of such
32 facilities.

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

38 (a) A sewerage general plan shall include the general location and
39 description of treatment and disposal facilities, trunk and interceptor

1 sewers, pumping stations, monitoring and control facilities, channels,
2 local service areas and a general description of the collection system
3 to serve those areas, a description of on-site sanitary sewerage system
4 inspection services and maintenance services, and other facilities and
5 services as may be required to provide a functional and implementable
6 plan, including preliminary engineering to assure feasibility. The
7 plan may also include a description of the regulations deemed
8 appropriate to carrying out surface drainage plans.

9 (b) A water general plan shall include the general location and
10 description of water resources to be utilized, wells, treatment
11 facilities, transmission lines, storage reservoirs, pumping stations,
12 and monitoring and control facilities as may be required to provide a
13 functional and implementable plan.

14 (c) Water and/or sewerage general plans shall include preliminary
15 engineering in adequate detail to assure technical feasibility and, to
16 the extent then known, shall further discuss the methods of
17 distributing the cost and expense of the system and shall indicate the
18 economic feasibility of plan implementation. The plans may also
19 specify local or lateral facilities and services. The sewerage and/or
20 water general plan does not mean the final engineering construction or
21 financing plans for the system.

22 (4) "Municipal corporation" means and includes any city, town,
23 metropolitan municipal corporation, any public utility district which
24 operates and maintains a sewer or water system, any sewer, water,
25 diking, or drainage district, any diking, drainage, and sewerage
26 improvement district, and any irrigation district.

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

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

35 **Sec. 11.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read
36 as follows:

37 The construction, operation, and maintenance of a system of
38 sewerage and/or water is a county purpose. Subject to the provisions

1 of this chapter, every county has the power, individually or in
2 conjunction with another county or counties to adopt, provide for,
3 accept, establish, condemn, purchase, construct, add to, operate, and
4 maintain a system or systems of sanitary and storm sewers, including
5 outfalls, interceptors, plans, and facilities and services necessary
6 for sewerage treatment and disposal, and/or system or systems of water
7 supply within all or a portion of the county(~~(:—PROVIDED, That)~~).
8 However, counties shall not have power to condemn sewerage and/or water
9 systems of any municipal corporation or private utility.

10 Such county or counties shall have the authority to control,
11 regulate, operate, and manage such system or systems and to provide
12 funds therefor by general obligation bonds, revenue bonds, local
13 improvement district bonds, utility local improvement district or local
14 improvement district assessments, and in any other lawful fiscal
15 manner. Rates or charges for on-site inspection and maintenance
16 services may not be imposed under this chapter on the development,
17 construction, or reconstruction of property.

18 Under this chapter, after July 1, 1998, any requirements for
19 pumping the septic tank of an on-site sewage system should be based,
20 among other things, on actual measurement of accumulation of sludge and
21 scum by a trained inspector, trained owner's agent, or trained owner.
22 Training must occur in a program approved by the state board of health
23 or by a local health officer.

24 Before adopting on-site inspection and maintenance utility
25 services, or incorporating residences into an on-site inspection and
26 maintenance or sewer utility under this chapter, notification must be
27 provided, prior to the applicable public hearing, to all residences
28 within the proposed service area that have on-site systems permitted by
29 the local health officer. The notice must clearly state that the
30 residence is within the proposed service area and must provide
31 information on estimated rates or charges that may be imposed for the
32 service.

33 A county shall not provide on-site sewage system inspection,
34 pumping services, or other maintenance or repair services under this
35 section using county employees unless the on-site system is connected
36 by a publicly owned collection system to the county's sewerage system,
37 and the on-site system represents the first step in the sewage disposal
38 process. Nothing in this section shall affect the authority of a state

1 or local health officer to carry out their responsibilities under any
2 other applicable law.

3 A county may, as part of a system of sewerage established under
4 this chapter, provide for, finance, and operate any of the facilities
5 and services and may exercise the powers expressly authorized for
6 county storm water, flood control, pollution prevention, and drainage
7 services and activities under chapters 36.89, 86.12, 86.13, and 86.15
8 RCW. A county also may provide for, finance, and operate the
9 facilities and services and may exercise any of the powers authorized
10 for aquifer protection areas under chapter 36.36 RCW; for lake
11 management districts under chapter 36.61 RCW; for diking districts, and
12 diking, drainage, and sewerage improvement districts under chapters
13 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection
14 districts under chapter 90.72 RCW. However, if a county by reference
15 to any of those statutes assumes as part of its system of sewerage any
16 powers granted to such areas or districts and not otherwise available
17 to a county under this chapter, then (1) the procedures and
18 restrictions applicable to those areas or districts apply to the
19 county's exercise of those powers, and (2) the county may not
20 simultaneously impose rates and charges under this chapter and under
21 the statutes authorizing such areas or districts for substantially the
22 same facilities and services, but must instead impose uniform rates and
23 charges consistent with RCW 36.94.140. By agreement with such an area
24 or district that is not part of a county's system of sewerage, a county
25 may operate that area's or district's services or facilities, but a
26 county may not dissolve any existing area or district except in
27 accordance with any applicable provisions of the statute under which
28 that area or district was created.

29 **Sec. 12.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read
30 as follows:

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

1 In classifying customers served, service furnished or made
2 available by such system of sewerage and/or water, or the connection
3 charges, the county legislative authority may consider any or all of
4 the following factors:

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

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

9 (3) The different character of the service and facilities furnished
10 various customers;

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

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

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

17 (7) The nonprofit public benefit status, as defined in RCW
18 24.03.490, of the land user; and

19 (8) Any other matters which present a reasonable difference as a
20 ground for distinction.

21 A county may provide assistance to aid low-income persons in
22 connection with services provided under this chapter.

23 The service charges and rates shall produce revenues sufficient to
24 take care of the costs of maintenance and operation, revenue bond and
25 warrant interest and principal amortization requirements, and all other
26 charges necessary for the efficient and proper operation of the system.

27 NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW
28 to read as follows:

29 A metropolitan municipal corporation authorized to perform water
30 pollution abatement may exercise all the powers relating to systems of
31 sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for
32 counties.

33 NEW SECTION. Sec. 14. A new section is added to chapter 35.21 RCW
34 to read as follows:

35 The legislative authority of any city or town may exercise all the
36 powers relating to systems of sewerage authorized by RCW 35.67.010 and
37 35.67.020.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 53.08 RCW
2 to read as follows:

3 A port district may exercise all the powers relating to systems of
4 sewerage authorized by RCW 35.67.010 and 35.67.020 for cities and
5 towns.

6 **Sec. 16.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to
7 read as follows:

8 A district shall have the following powers:

9 (1) To acquire by purchase or condemnation, or both, all lands,
10 property and property rights, and all water and water rights, both
11 within and without the district, necessary for its purposes. The right
12 of eminent domain shall be exercised in the same manner and by the same
13 procedure as provided for cities and towns, insofar as consistent with
14 this title, except that all assessment or reassessment rolls to be
15 prepared and filed by eminent domain commissioners or commissioners
16 appointed by the court shall be prepared and filed by the district, and
17 the duties devolving upon the city treasurer are imposed upon the
18 county treasurer;

19 (2) To lease real or personal property necessary for its purposes
20 for a term of years for which that leased property may reasonably be
21 needed;

22 (3) To construct, condemn and purchase, add to, maintain, and
23 supply waterworks to furnish the district and inhabitants thereof and
24 any other persons, both within and without the district, with an ample
25 supply of water for all uses and purposes public and private with full
26 authority to regulate and control the use, content, distribution, and
27 price thereof in such a manner as is not in conflict with general law
28 and may construct, acquire, or own buildings and other necessary
29 district facilities. Where a customer connected to the district's
30 system uses the water on an intermittent or transient basis, a district
31 may charge for providing water service to such a customer, regardless
32 of the amount of water, if any, used by the customer. District
33 waterworks may include facilities which result in combined water supply
34 and electric generation, if the electricity generated thereby is a
35 byproduct of the water supply system. That electricity may be used by
36 the district or sold to any entity authorized by law to use or
37 distribute electricity. Electricity is deemed a byproduct when the
38 electrical generation is subordinate to the primary purpose of water

1 supply. For such purposes, a district may take, condemn and purchase,
2 acquire, and retain water from any public or navigable lake, river or
3 watercourse, or any underflowing water, and by means of aqueducts or
4 pipeline conduct the same throughout the district and any city or town
5 therein and carry it along and upon public highways, roads, and
6 streets, within and without such district. For the purpose of
7 constructing or laying aqueducts or pipelines, dams, or waterworks or
8 other necessary structures in storing and retaining water or for any
9 other lawful purpose such district may occupy the beds and shores up to
10 the high water mark of any such lake, river, or other watercourse, and
11 may acquire by purchase or condemnation such property or property
12 rights or privileges as may be necessary to protect its water supply
13 from pollution. For the purposes of waterworks which include
14 facilities for the generation of electricity as a byproduct, nothing in
15 this section may be construed to authorize a district to condemn
16 electric generating, transmission, or distribution rights or facilities
17 of entities authorized by law to distribute electricity, or to acquire
18 such rights or facilities without the consent of the owner;

19 (4) To purchase and take water from any municipal corporation,
20 private person, or entity. A district contiguous to Canada may
21 contract with a Canadian corporation for the purchase of water and for
22 the construction, purchase, maintenance, and supply of waterworks to
23 furnish the district and inhabitants thereof and residents of Canada
24 with an ample supply of water under the terms approved by the board of
25 commissioners;

26 (5) To construct, condemn and purchase, add to, maintain, and
27 operate systems of sewers for the purpose of furnishing the district,
28 the inhabitants thereof, and persons outside the district with an
29 adequate system of sewers for all uses and purposes, public and
30 private, including but not limited to on-site sewage disposal
31 facilities, approved septic tanks or approved septic tank systems, on-
32 site sanitary sewerage systems, inspection services and maintenance
33 services for private and public on-site systems, point and nonpoint
34 water pollution monitoring programs that are directly related to the
35 sewerage facilities and programs operated by a district, other
36 facilities, programs, and systems for the collection, interception,
37 treatment, and disposal of wastewater, and for the control of pollution
38 from wastewater and for the protection, preservation, and
39 rehabilitation of surface and underground waters, facilities for the

1 drainage and treatment of storm or surface waters, public highways,
2 streets, and roads with full authority to regulate the use and
3 operation thereof and the service rates to be charged. Under this
4 chapter, after July 1, 1998, any requirements for pumping the septic
5 tank of an on-site sewage system should be based, among other things,
6 on actual measurement of accumulation of sludge and scum by a trained
7 inspector, trained owner's agent, or trained owner. Training must
8 occur in a program approved by the state board of health or by a local
9 health officer. Sewage facilities may include facilities which result
10 in combined sewage disposal, treatment, or drainage and electric
11 generation, except that the electricity generated thereby is a
12 byproduct of the system of sewers. Such electricity may be used by the
13 district or sold to any entity authorized by law to distribute
14 electricity. Electricity is deemed a byproduct when the electrical
15 generation is subordinate to the primary purpose of sewage disposal,
16 treatment, or drainage. For such purposes a district may conduct
17 sewage throughout the district and throughout other political
18 subdivisions within the district, and construct and lay sewer pipe
19 along and upon public highways, roads, and streets, within and without
20 the district, and condemn and purchase or acquire land and rights of
21 way necessary for such sewer pipe. A district may erect sewage
22 treatment plants within or without the district, and may acquire, by
23 purchase or condemnation, properties or privileges necessary to be had
24 to protect any lakes, rivers, or watercourses and also other areas of
25 land from pollution from its sewers or its sewage treatment plant. For
26 the purposes of sewage facilities which include facilities that result
27 in combined sewage disposal, treatment, or drainage and electric
28 generation where the electric generation is a byproduct, nothing in
29 this section may be construed to authorize a district to condemn
30 electric generating, transmission, or distribution rights or facilities
31 of entities authorized by law to distribute electricity, or to acquire
32 such rights or facilities without the consent of the owners;

33 (6) To construct, condemn, acquire, and own buildings and other
34 necessary district facilities;

35 (7) To compel all property owners within the district located
36 within an area served by the district's system of sewers to connect
37 their private drain and sewer systems with the district's system under
38 such penalty as the commissioners shall prescribe by resolution. The
39 district may for such purpose enter upon private property and connect

1 the private drains or sewers with the district system and the cost
2 thereof shall be charged against the property owner and shall be a lien
3 upon property served;

4 (8) Where a district contains within its borders, abuts, or is
5 located adjacent to any lake, stream, ground water as defined by RCW
6 90.44.035, or other waterway within the state of Washington, to provide
7 for the reduction, minimization, or elimination of pollutants from
8 those waters in accordance with the district's comprehensive plan, and
9 to issue general obligation bonds, revenue bonds, local improvement
10 district bonds, or utility local improvement bonds for the purpose of
11 paying all or any part of the cost of reducing, minimizing, or
12 eliminating the pollutants from these waters;

13 (9) To fix rates and charges for water, sewer, and drain service
14 supplied and to charge property owners seeking to connect to the
15 district's systems, as a condition to granting the right to so connect,
16 in addition to the cost of the connection, such reasonable connection
17 charge as the board of commissioners shall determine to be proper in
18 order that those property owners shall bear their equitable share of
19 the cost of the system. For the purposes of calculating a connection
20 charge, the board of commissioners shall determine the pro rata share
21 of the cost of existing facilities and facilities planned for
22 construction within the next ten years and contained in an adopted
23 comprehensive plan and other costs borne by the district which are
24 directly attributable to the improvements required by property owners
25 seeking to connect to the system. The cost of existing facilities
26 shall not include those portions of the system which have been donated
27 or which have been paid for by grants. The connection charge may
28 include interest charges applied from the date of construction of the
29 system until the connection, or for a period not to exceed ten years,
30 whichever is shorter, at a rate commensurate with the rate of interest
31 applicable to the district at the time of construction or major
32 rehabilitation of the system, or at the time of installation of the
33 lines to which the property owner is seeking to connect. A district
34 may permit payment of the cost of connection and the reasonable
35 connection charge to be paid with interest in installments over a
36 period not exceeding fifteen years. The county treasurer may charge
37 and collect a fee of three dollars for each year for the treasurer's
38 services. Those fees shall be a charge to be included as part of each
39 annual installment, and shall be credited to the county current expense

1 fund by the county treasurer. Revenues from connection charges
2 excluding permit fees are to be considered payments in aid of
3 construction as defined by department of revenue rule. Rates or
4 charges for on-site inspection and maintenance services may not be
5 imposed under this chapter on the development, construction, or
6 reconstruction of property.

7 Before adopting on-site inspection and maintenance utility
8 services, or incorporating residences into an on-site inspection and
9 maintenance or sewer utility under this chapter, notification must be
10 provided, prior to the applicable public hearing, to all residences
11 within the proposed service area that have on-site systems permitted by
12 the local health officer. The notice must clearly state that the
13 residence is within the proposed service area and must provide
14 information on estimated rates or charges that may be imposed for the
15 service.

16 A water-sewer district shall not provide on-site sewage system
17 inspection, pumping services, or other maintenance or repair services
18 under this section using water-sewer district employees unless the on-
19 site system is connected by a publicly owned collection system to the
20 water-sewer district's sewerage system, and the on-site system
21 represents the first step in the sewage disposal process.

22 Except as otherwise provided in RCW 90.03.525, any public entity
23 and public property, including the state of Washington and state
24 property, shall be subject to rates and charges for sewer, water, storm
25 water control, drainage, and street lighting facilities to the same
26 extent private persons and private property are subject to those rates
27 and charges that are imposed by districts. In setting those rates and
28 charges, consideration may be made of in-kind services, such as stream
29 improvements or donation of property;

30 (10) To contract with individuals, associations and corporations,
31 the state of Washington, and the United States;

32 (11) To employ such persons as are needed to carry out the
33 district's purposes and fix salaries and any bond requirements for
34 those employees;

35 (12) To contract for the provision of engineering, legal, and other
36 professional services as in the board of commissioner's discretion is
37 necessary in carrying out their duties;

38 (13) To sue and be sued;

1 (14) To loan and borrow funds and to issue bonds and instruments
2 evidencing indebtedness under chapter 57.20 RCW and other applicable
3 laws;

4 (15) To transfer funds, real or personal property, property
5 interests, or services subject to RCW 57.08.015;

6 (16) To levy taxes in accordance with this chapter and chapters
7 57.04 and 57.20 RCW;

8 (17) To provide for making local improvements and to levy and
9 collect special assessments on property benefitted thereby, and for
10 paying for the same or any portion thereof in accordance with chapter
11 57.16 RCW;

12 (18) To establish street lighting systems under RCW 57.08.060;

13 (19) To exercise such other powers as are granted to water-sewer
14 districts by this title or other applicable laws; and

15 (20) To exercise any of the powers granted to cities and counties
16 with respect to the acquisition, construction, maintenance, operation
17 of, and fixing rates and charges for waterworks and systems of sewerage
18 and drainage.

19 **Sec. 17.** RCW 57.08.065 and 1996 c 230 s 313 are each amended to
20 read as follows:

21 (1) A district shall have power to establish, maintain, and operate
22 a mutual water, ((sewer)) sewerage, drainage, and street lighting
23 system, a mutual system of any two or three of the systems, or separate
24 systems.

25 (2) Where any two or more districts include the same territory as
26 of July 1, 1997, none of the overlapping districts may provide any
27 service that was made available by any of the other districts prior to
28 July 1, 1997, within the overlapping territory without the consent by
29 resolution of the board of commissioners of the other district or
30 districts.

31 (3) A district that was a water district prior to July 1, 1997,
32 that did not operate a ((sewer)) system of sewerage prior to July 1,
33 1997, may not proceed to exercise the powers to establish, maintain,
34 construct, and operate any ((sewer)) system of sewerage without first
35 obtaining written approval and certification of necessity from the
36 department of ecology and department of health. Any comprehensive plan
37 for a system of sewers or addition thereto or betterment thereof
38 proposed by a district that was a water district prior to July 1, 1997,

1 shall be approved by the same county and state officials as were
2 required to approve such plans adopted by a sewer district immediately
3 prior to July 1, 1997, and as subsequently may be required.

4 **Sec. 18.** RCW 57.16.010 and 1996 c 230 s 501 are each amended to
5 read as follows:

6 Before ordering any improvements or submitting to vote any
7 proposition for incurring any indebtedness, the district commissioners
8 shall adopt a general comprehensive plan for the type or types of
9 facilities the district proposes to provide. A district may prepare a
10 separate general comprehensive plan for each of these services and
11 other services that districts are permitted to provide, or the district
12 may combine any or all of its comprehensive plans into a single general
13 comprehensive plan.

14 (1) For a general comprehensive plan of a water supply system, the
15 commissioners shall investigate the several portions and sections of
16 the district for the purpose of determining the present and reasonably
17 foreseeable future needs thereof; shall examine and investigate,
18 determine, and select a water supply or water supplies for such
19 district suitable and adequate for present and reasonably foreseeable
20 future needs thereof; and shall consider and determine a general system
21 or plan for acquiring such water supply or water supplies, and the
22 lands, waters, and water rights and easements necessary therefor, and
23 for retaining and storing any such waters, and erecting dams,
24 reservoirs, aqueducts, and pipe lines to convey the same throughout
25 such district. There may be included as part of the system the
26 installation of fire hydrants at suitable places throughout the
27 district. The commissioners shall determine a general comprehensive
28 plan for distributing such water throughout such portion of the
29 district as may then reasonably be served by means of subsidiary
30 aqueducts and pipe lines, and a long-term plan for financing the
31 planned projects and the method of distributing the cost and expense
32 thereof, including the creation of local improvement districts or
33 utility local improvement districts, and shall determine whether the
34 whole or part of the cost and expenses shall be paid from revenue or
35 general obligation bonds.

36 (2) For a general comprehensive plan for a sewer system, the
37 commissioners shall investigate all portions and sections of the
38 district and select a general comprehensive plan for a sewer system for

1 the district suitable and adequate for present and reasonably
2 foreseeable future needs thereof. The general comprehensive plan shall
3 provide for treatment plants and other methods and services, if any,
4 for the prevention, control, and reduction of water pollution and for
5 the treatment and disposal of sewage and industrial and other liquid
6 wastes now produced or which may reasonably be expected to be produced
7 within the district and shall, for such portions of the district as may
8 then reasonably be served, provide for the acquisition or construction
9 and installation of laterals, trunk sewers, intercepting sewers,
10 syphons, pumping stations or other sewage collection facilities, septic
11 tanks, septic tank systems or drainfields, and systems for the
12 transmission and treatment of wastewater. The general comprehensive
13 plan shall provide a long-term plan for financing the planned projects
14 and the method of distributing the cost and expense of the sewer system
15 and services, including the creation of local improvement districts or
16 utility local improvement districts; and provide whether the whole or
17 some part of the cost and expenses shall be paid from revenue or
18 general obligation bonds.

19 (3) For a general comprehensive plan for a drainage system, the
20 commissioners shall investigate all portions and sections of the
21 district and adopt a general comprehensive plan for a drainage system
22 for the district suitable and adequate for present and future needs
23 thereof. The general comprehensive plan shall provide for a system to
24 collect, treat, and dispose of storm water or surface waters, including
25 use of natural systems and the construction or provision of culverts,
26 storm water pipes, ponds, and other systems. The general comprehensive
27 plan shall provide for a long-term plan for financing the planned
28 projects and provide for a method of distributing the cost and expense
29 of the drainage system, including local improvement districts or
30 utility local improvement districts, and provide whether the whole or
31 some part of the cost and expenses shall be paid from revenue or
32 general obligation bonds.

33 (4) For a general comprehensive plan for street lighting, the
34 commissioners shall investigate all portions and sections of the
35 district and adopt a general comprehensive plan for street lighting for
36 the district suitable and adequate for present and future needs
37 thereof. The general comprehensive plan shall provide for a system or
38 systems of street lighting, provide for a long-term plan for financing
39 the planned projects, and provide for a method of distributing the cost

1 and expense of the street lighting system, including local improvement
2 districts or utility local improvement districts, and provide whether
3 the whole or some part of the cost and expenses shall be paid from
4 revenue or general obligation bonds.

5 (5) The commissioners may employ such engineering and legal service
6 as in their discretion is necessary in carrying out their duties.

7 (6) Any general comprehensive plan or plans shall be adopted by
8 resolution and submitted to an engineer designated by the legislative
9 authority of the county in which fifty-one percent or more of the area
10 of the district is located, and to the director of health of the county
11 in which the district or any portion thereof is located, and must be
12 approved in writing by the engineer and director of health, except that
13 a comprehensive plan relating to street lighting shall not be submitted
14 to or approved by the director of health. The general comprehensive
15 plan shall be approved, conditionally approved, or rejected by the
16 director of health and by the designated engineer within sixty days of
17 their respective receipt of the plan. However, this sixty-day time
18 limitation may be extended by the director of health or engineer for up
19 to an additional sixty days if sufficient time is not available to
20 review adequately the general comprehensive plans.

21 Before becoming effective, the general comprehensive plan shall
22 also be submitted to, and approved by resolution of, the legislative
23 authority of every county within whose boundaries all or a portion of
24 the district lies. The general comprehensive plan shall be approved,
25 conditionally approved, or rejected by each of the county legislative
26 authorities pursuant to the criteria in RCW 57.02.040 for approving the
27 formation, reorganization, annexation, consolidation, or merger of
28 districts. The resolution, ordinance, or motion of the legislative
29 body that rejects the comprehensive plan or a part thereof shall
30 specifically state in what particular the comprehensive plan or part
31 thereof rejected fails to meet these criteria. The general
32 comprehensive plan shall not provide for the extension or location of
33 facilities that are inconsistent with the requirements of RCW
34 36.70A.110. Nothing in this chapter shall preclude a county from
35 rejecting a proposed plan because it is in conflict with the criteria
36 in RCW 57.02.040. Each general comprehensive plan shall be deemed
37 approved if the county legislative authority fails to reject or
38 conditionally approve the plan within ninety days of the plan's
39 submission to the county legislative authority or within thirty days of

1 a hearing on the plan when the hearing is held within ninety days of
2 submission to the county legislative authority. However, a county
3 legislative authority may extend this ninety-day time limitation by up
4 to an additional ninety days where a finding is made that ninety days
5 is insufficient to review adequately the general comprehensive plan.
6 In addition, the commissioners and the county legislative authority may
7 mutually agree to an extension of the deadlines in this section.

8 If the district includes portions or all of one or more cities or
9 towns, the general comprehensive plan shall be submitted also to, and
10 approved by resolution of, the legislative authorities of the cities
11 and towns before becoming effective. The general comprehensive plan
12 shall be deemed approved by the city or town legislative authority if
13 the city or town legislative authority fails to reject or conditionally
14 approve the plan within ninety days of the plan's submission to the
15 city or town or within thirty days of a hearing on the plan when the
16 hearing is held within ninety days of submission to the county
17 legislative authority. However, a city or town legislative authority
18 may extend this time limitation by up to an additional ninety days
19 where a finding is made that insufficient time exists to adequately
20 review the general comprehensive plan within these time limitations.
21 In addition, the commissioners and the city or town legislative
22 authority may mutually agree to an extension of the deadlines in this
23 section.

24 Before becoming effective, the general comprehensive plan shall be
25 approved by any state agency whose approval may be required by
26 applicable law. Before becoming effective, any amendment to,
27 alteration of, or addition to, a general comprehensive plan shall also
28 be subject to such approval as if it were a new general comprehensive
29 plan. However, only if the amendment, alteration, or addition affects
30 a particular city or town, shall the amendment, alteration, or addition
31 be subject to approval by such particular city or town governing body.

32 **Sec. 19.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to
33 read as follows:

34 The commissioners of any district shall provide for revenues by
35 fixing rates and charges for furnishing sewer and drainage service and
36 facilities to those to whom service is available or for providing
37 water, such rates and charges to be fixed as deemed necessary by the
38 commissioners, so that uniform charges will be made for the same class

1 of customer or service and facility. Rates and charges may be combined
2 for the furnishing of more than one type of sewer service((~~7~~)) and
3 facility such as but not limited to storm or surface water and
4 sanitary.

5 In classifying customers of such water, sewer, or drainage system,
6 the board of commissioners may in its discretion consider any or all of
7 the following factors: The difference in cost ((~~of service~~)) to
8 various customers; the location of the various customers within and
9 without the district; the difference in cost of maintenance, operation,
10 repair, and replacement of the various parts of the system; the
11 different character of the service furnished various customers; the
12 quantity and quality of the service and facility furnished; the time of
13 its use; the achievement of water conservation goals and the
14 discouragement of wasteful practices; capital contributions made to the
15 system including but not limited to assessments; and any other matters
16 which present a reasonable difference as a ground for distinction.
17 Rates shall be established as deemed proper by the commissioners and as
18 fixed by resolution and shall produce revenues sufficient to take care
19 of the costs of maintenance and operation, revenue bond and warrant
20 interest and principal amortization requirements, and all other charges
21 necessary for efficient and proper operation of the system.

22 The commissioners shall enforce collection of connection charges,
23 and rates and charges for water supplied against property owners
24 connecting with the system or receiving such water, and for sewer and
25 drainage services charged against property to which and its owners to
26 whom the service is available, such charges being deemed charges
27 against the property served, by addition of penalties of not more than
28 ten percent thereof in case of failure to pay the charges at times
29 fixed by resolution. The commissioners may provide by resolution that
30 where either connection charges or rates and charges for services
31 supplied are delinquent for any specified period of time, the district
32 shall certify the delinquencies to the treasurer of the county in which
33 the real property is located, and the charges and any penalties added
34 thereto and interest thereon at the rate of not more than the prime
35 lending rate of the district's bank plus four percentage points per
36 year shall be a lien against the property upon which the service was
37 received, subject only to the lien for general taxes.

38 The district may, at any time after the connection charges or rates
39 and charges for services supplied or available and penalties are

1 delinquent for a period of sixty days, bring suit in foreclosure by
2 civil action in the superior court of the county in which the real
3 property is located. The court may allow, in addition to the costs and
4 disbursements provided by statute, attorneys' fees, title search and
5 report costs, and expenses as it adjudges reasonable. The action shall
6 be in rem, and may be brought in the name of the district against an
7 individual or against all of those who are delinquent in one action.
8 The laws and rules of the court shall control as in other civil
9 actions.

10 In addition to the right to foreclose provided in this section, the
11 district may also cut off all or part of the service after charges for
12 water or sewer service supplied or available are delinquent for a
13 period of sixty days.

14 **Sec. 20.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read
15 as follows:

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

1 own motion or by submitting the question to the voters of the district
2 and obtaining the approval of a majority of those voting.

3 (2) If the county legislative authority creates a shellfish
4 protection district by its own motion, any registered voter residing
5 within the boundaries of the shellfish protection district may file a
6 referendum petition to repeal the ordinance that created the district.
7 Any referendum petition to repeal the ordinance creating the shellfish
8 protection district shall be filed with the county auditor within seven
9 days of passage of the ordinance. Within ten days of the filing of a
10 petition, the county auditor shall confer with the petitioner
11 concerning form and style of the petition, issue an identification
12 number for the petition, and write a ballot title for the measure. The
13 ballot title shall be posed as a question so that an affirmative answer
14 to the question and an affirmative vote on the measure results in
15 creation of the shellfish protection district and a negative answer to
16 the question and a negative vote on the measure results in the
17 shellfish protection district not being created. The petitioner shall
18 be notified of the identification number and ballot title within this
19 ten-day period.

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

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

1 NEW SECTION. **Sec. 21.** (1) The department of health shall convene
2 a work group for the purpose of making recommendations to the
3 legislature for the development of a certification program for
4 different classes of people involved with on-site septic systems. The
5 work group shall study certification of persons who pump, install,
6 design, perform maintenance, inspect, or regulate any of the above
7 listed functions with regard to on-site septic systems. The work group
8 shall make recommendations regarding appropriate bonding levels and
9 other standards for the various occupations for which certification
10 will be recommended. The work group shall also examine the development
11 of a risk analysis pertaining to the installation and maintenance of
12 different types of septic systems for different parts of the state.
13 The work group shall report its findings and recommendations to the
14 senate agriculture and environment committee and the house of
15 representatives agriculture and ecology committee by January 1, 1998.

16 (2) The work group shall consist of a representative from each of
17 the following groups: On-site septic system pumpers, installers,
18 designers, maintenance operators, and inspectors, as well as a
19 representative of cities, counties, the department of health,
20 engineers, residential construction, the Puget Sound water quality
21 action team, public utility districts, water-sewer districts, and two
22 members from the general public. The members of the work group shall
23 be appointed by the governor. The representative of the department of
24 health shall serve as the chair of the work group. Staff support for
25 the work group shall be provided by the department of health."

26 Correct the title.

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