

2 **SHB 1750** - S COMM AMD

3 By Committee on Financial Institutions, Insurance & Housing

4 RULED OUTSIDE SCOPE AND OBJECT 4/17/97

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.67 RCW
8 to read as follows:

9 Cities, towns, or counties may not require existing mobile home
10 parks to replace existing, functional septic systems with a sewer
11 system within the community unless the local board of health determines
12 that the septic system is failing.

13 **Sec. 2.** RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended
14 to read as follows:

15 Local boards of health shall identify failing septic tank
16 drainfield systems in the normal manner and will use reasonable effort
17 to determine new failures. The local health officer or his or her
18 designee may apply for an administrative search warrant to a court
19 official authorized to issue a criminal search warrant. The warrant
20 may only be applied for after the local health officer has requested
21 inspection of the person's property pursuant to the specific
22 administrative plan in this section and the person has refused the
23 health officer or his or her designee access to the person's property.
24 Timely notice must be given to any affected person that a warrant is
25 being requested and the person may be present at any court proceeding
26 to consider the requested search warrant. The court official may issue
27 the warrant upon probable cause. It is sufficient probable cause to
28 show the inspection, examination, test, or sampling is in response to
29 pollution in commercial or recreational shellfish harvesting areas. A
30 specific administrative plan must be developed expressly in response to
31 the pollution. The local health officer shall submit the plan to the
32 court as part of the justification for the warrant. The plan must
33 include each of the following elements:

34 (1) The overall goal of the inspection;

1 (2) The location and identification by address of the properties
2 being authorized for inspection by the health officer;

3 (3) Requirements for giving the person owning the property notice
4 of the plan, its provisions, and times of any inspections;

5 (4) The survey procedures to be used in the inspection;

6 (5) The criteria that would be used to define an on-site sewage
7 system failure; and

8 (6) The follow-up actions that would be pursued once an on-site
9 sewage system failure has been identified and confirmed.

10 Discretionary judgment will be made in implementing corrections by
11 specifying nonwater-carried sewage disposal devices or other
12 alternative methods of treatment and effluent disposal as a measure of
13 ameliorating existing substandard conditions. Local regulations shall
14 be consistent with the intent and purposes stated herein."

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18 On page 1, line 1 of the title, after "systems;" strike the
19 remainder of the title and insert "amending RCW 70.118.030; and adding
20 a new section to chapter 35.67 RCW."

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