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HOUSE BILL 2420

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Hargrove and Sullivan

Prefiled 01/05/18. Read first time 01/08/18. Referred to Committee on Environment.

1 AN ACT Relating to state board of health rules regarding on-site  
2 sewage systems; amending RCW 70.05.074; and adding a new section to  
3 chapter 43.20 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20  
6 RCW to read as follows:

7 (1) Rules adopted by the state board under RCW 43.20.050(3)  
8 regarding failures of on-site sewage systems must:

9 (a) Not impose or allow the imposition of excessive,  
10 unreasonable, or unnecessary obligations related to the repair or  
11 replacement of an on-site sewage system;

12 (b) Not impose or allow the imposition of more stringent  
13 performance requirements of on-site sewage systems on private  
14 entities than public entities; and

15 (c) Allow a system to be repaired using the least expensive  
16 alternative that is likely to provide comparable or better long-term  
17 sewage treatment and effluent dispersal outcomes.

18 (2) Rules adopted by the state board under RCW 43.20.050(3)  
19 regarding inspections must:

20 (a) Require any inspection of an on-site sewage system carried  
21 out by a professional inspector or public agency to be coordinated

1 with the owner of the on-site sewage system prior to accessing the  
2 on-site sewage system. This coordination must include notification to  
3 the property owner at least five business days prior to accessing the  
4 property, unless the property owner waives the five-day notification  
5 period;

6 (b) Require any inspection of an on-site sewage system carried  
7 out by a professional inspector or public agency to be authorized by  
8 the owner of the on-site sewage system prior to accessing the on-site  
9 sewage system;

10 (c) Allow, in cases where an inspection has not been authorized  
11 by a property owner, the local health jurisdiction to follow the  
12 procedures established for administrative search warrant in RCW  
13 70.118.030; and

14 (d) Forbid local health jurisdictions from requiring private  
15 property owners to grant inspection easements for on-site sewage  
16 systems as a condition of permit issuance for on-site sewage systems  
17 that are located on and service a single property.

18 (3) Rules adopted by the board under RCW 43.20.050(3) may not  
19 require or allow a local health officer to require that any property  
20 owner obtain an inspection, monitoring, or maintenance contract with  
21 any person in order for the property owner to receive a permit to  
22 install an on-site sewage system.

23 **Sec. 2.** RCW 70.05.074 and 1997 c 447 s 2 are each amended to  
24 read as follows:

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

29 (2) If the local health officer denies an application to install  
30 an on-site sewage system, the denial must be for cause and based upon  
31 public health and environmental protection concerns, including  
32 concerns regarding the ability to operate and maintain the system, or  
33 conflicts with other existing laws, regulations, or ordinances. A  
34 local health officer may not deny or condition an application to  
35 install an on-site sewage system serving and located on a single  
36 property upon the granting of an easement allowing for the inspection  
37 or maintenance of the on-site sewage system. The local health officer  
38 must provide the applicant with a written justification for the  
39 denial, along with an explanation of the procedure for appeal.

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

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

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