
SUBSTITUTE HOUSE BILL 1471

State of Washington

66th Legislature

2019 Regular Session

By House Environment & Energy (originally sponsored by Representatives Young, Walsh, and Shea)

READ FIRST TIME 02/18/19.

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) Give first priority to allowing repair and second priority to
10 allowing replacement of an existing conventional on-site sewage
11 system, consisting of a septic tank and drainfield, with a similar
12 conventional system;

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

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

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

1 (a) Require any inspection of an on-site sewage system carried
2 out by a certified professional inspector or public agency to be
3 coordinated with the owner of the on-site sewage system prior to
4 accessing the on-site sewage system;

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

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

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

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

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

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

36 (3) If the local health officer identifies the application as
37 pending and subject to review beyond thirty days, the local health
38 officer must provide the applicant with a written justification that
39 the site-specific conditions or circumstances necessitate a longer

1 time period for a decision on the application. The local health
2 officer must include any specific information necessary to make a
3 decision and the estimated time required for a decision to be made.

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

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