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SECOND SUBSTITUTE SENATE BILL 5247

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State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser; by request of Puget Sound Water Quality Authority)

Read first time 01/12/96.

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; and creating new sections.

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

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

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, on-site or off-site sanitary  
18 sewerage facilities such as approved on-site sewage systems, on-site

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

4 (2) Combined sanitary sewage disposal and storm or surface water  
5 sewers;

6 (3) Storm or surface water sewers;

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

11 (5) Combined water and sewerage systems;

12 (6) Water quality education and public involvement programs for the  
13 protection of waters of the state as defined by RCW 90.48.020 from  
14 pollution. Such education programs are limited to those that are  
15 directly related to the sewerage facilities and programs operated by a  
16 city or town;

17 (7) Point and nonpoint water pollution monitoring programs that are  
18 directly related to the sewerage facilities and programs operated by a  
19 city or town;

20 (8) Public restroom and sanitary facilities; and

21 (9) 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 1995 c 124 s 3 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 their use. The rates charged must be uniform for the same  
33 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: (1) The difference in cost of service, facilities,  
38 and programs to the various customers; (2) the location of the various

1 customers within and without the city or town; (3) the difference in  
2 cost of maintenance, operation, implementation, repair, and replacement  
3 of the various parts of the system; (4) the different character of the  
4 service, facilities, and programs furnished various customers; (5) the  
5 quantity and quality of the sewage delivered and the time of its  
6 delivery; (6) the achievement of water conservation goals and the  
7 discouragement of wasteful water use practices; (7) capital  
8 contributions made to the system, including but not limited to,  
9 assessments; (8) the nonprofit public benefit status, as defined in RCW  
10 24.03.490, of the land user; and (9) any other matters which present a  
11 reasonable difference as a ground for distinction. Rates or charges  
12 imposed under this chapter for on-site inspection and maintenance  
13 services shall reflect the allocable share of the cost of providing the  
14 program or service to the person or entity paying the charge, and may  
15 not be imposed on the development, construction, or reconstruction of  
16 property.

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

21 Under this chapter, after January 1, 1997, any requirements for  
22 pumping the septic tank of an on-site sewage system should be based,  
23 among other things, on actual measurement of accumulation of sludge and  
24 scum by a trained operator, trained owner's agent, or trained owner.  
25 Training shall occur in a program approved by the state board of health  
26 or by a local health officer.

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

36 **Sec. 4.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read  
37 as follows:

1 A city or town may construct, condemn and purchase, purchase,  
2 acquire, add to, alter, maintain, implement, and operate systems,  
3 plants, sites, or other facilities of sewerage as defined in RCW  
4 35.67.010, or solid waste handling as defined by RCW 70.95.030, and  
5 shall have full authority to manage, regulate, operate, control, and to  
6 fix the price of service, facility, or program of those systems,  
7 plants, sites, or other facilities within and without the limits of the  
8 city or town. The rates charged shall be uniform for the same class of  
9 customers or service, facility, or program. In classifying customers  
10 served or service, facilities, and programs furnished by a system or  
11 systems of sewerage, the legislative authority of the city or town may  
12 in its discretion consider any or all of the following factors: (1)  
13 The difference in cost of service, facilities, and programs to  
14 customers; (2) the location of customers within and without the city or  
15 town; (3) the difference in cost of maintenance, operation, repair, and  
16 replacement of the parts of the system; (4) the different character of  
17 the service, facilities, and programs furnished to customers; (5) the  
18 quantity and quality of the sewage delivered and the time of its  
19 delivery; (6) capital contributions made to the systems, plants, sites,  
20 or other facilities, including but not limited to, assessments; (7) the  
21 nonprofit public benefit status, as defined in RCW 24.03.490, of the  
22 land user; and (8) any other factors that present a reasonable  
23 difference as a ground for distinction. Rates or charges imposed under  
24 this chapter for on-site inspection and maintenance services shall  
25 reflect the allocable share of the cost of providing the program or  
26 service to the person or entity paying the charge, and may not be  
27 imposed on the development, construction, or reconstruction of  
28 property.

29 A city or town may adjust or delay rates and charges and may  
30 provide other assistance to aid low-income persons in participating in  
31 programs and in complying with regulations imposed in connection with  
32 this chapter.

33 Under this chapter, after January 1, 1997, any requirements for  
34 pumping the septic tank of an on-site sewage system should be based,  
35 among other things, on actual measurement of accumulation of sludge and  
36 scum by a trained operator, trained owner's agent, or trained owner.  
37 Training shall occur in a program approved by the state board of health  
38 or by a local health officer.

1 Before adopting an on-site inspection and maintenance utility  
2 program, or incorporating residences into an on-site inspection and  
3 maintenance or sewer utility under this chapter, notification shall be  
4 provided, prior to the applicable public hearing, to all residences  
5 within the proposed service area that have on-site systems permitted by  
6 the local health officer. The notice shall clearly state that the  
7 residence is within the proposed service area and shall provide  
8 information on estimated rates or charges that may be imposed for the  
9 service.

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

12 As used in this chapter:

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

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

22 (b) Combined sanitary sewage disposal and storm or surface water  
23 drains and facilities;

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

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

29 (e) Combined water and sewerage systems;

30 (f) Water quality education and public involvement programs for the  
31 protection of waters of the state as defined by RCW 90.48.020 from  
32 pollution. Such education programs are limited to those that are  
33 directly related to the sewerage facilities and programs operated by a  
34 city or town;

35 (g) Point and nonpoint water pollution monitoring programs that are  
36 directly related to the sewerage facilities and programs operated by a  
37 city or town;

38 (h) Public restroom and sanitary facilities;

1        (i) The facilities and programs authorized in RCW 36.94.020; and

2        (j) Any combination of or part of any or all of such facilities.

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

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

7        (b) A combined water and sewerage system;

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

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

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

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

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

38       (4) "Municipal corporation" means and includes any city, town,  
39       metropolitan municipal corporation, any public utility district which

1 operates and maintains a sewer or water system, any sewer, water,  
2 diking, or drainage district, any diking, drainage, and sewerage  
3 improvement district, and any irrigation district.

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

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

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

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

25 Such county or counties shall have the authority to control,  
26 regulate, implement, operate, and manage such system or systems and to  
27 provide funds therefor by general obligation bonds, revenue bonds,  
28 local improvement district bonds, utility local improvement district or  
29 local improvement district assessments, and in any other lawful fiscal  
30 manner. Rates or charges imposed under this chapter for on-site  
31 inspection and maintenance services shall reflect the allocable share  
32 of the cost of providing the program or service to the person or entity  
33 paying the charge, and may not be imposed on the development,  
34 construction, or reconstruction of property.

35 Under this chapter, after January 1, 1997, any requirements for  
36 pumping the septic tank of an on-site sewage system should be based,  
37 among other things, on actual measurement of accumulation of sludge and  
38 scum by a trained operator, trained owner's agent, or trained owner.

1 Training shall occur in a program approved by the state board of health  
2 or by a local health officer.

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

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

1       **Sec. 7.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read  
2 as follows:

3       Every county, in the implementation and operation of a system of  
4 sewerage and/or water, shall have full jurisdiction and authority to  
5 manage, regulate, and control it and to fix, alter, regulate, and  
6 control the rates and charges for the service, facilities, and programs  
7 to those to whom such (~~county~~) service (~~is~~), facilities, and  
8 programs are available, and to levy charges for connection to the  
9 system. The rates for availability of service, facilities, programs,  
10 and connection charges so charged must be uniform for the same class of  
11 customers or service, facility, or program.

12       In classifying customers served, service furnished or made  
13 available by such system of sewerage and/or water, or the connection  
14 charges, the county legislative authority may consider any or all of  
15 the following factors:

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

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

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

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

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

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

28       (7) The nonprofit public benefit status, as defined in RCW  
29 24.03.490, of the land user; and

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

32       A county may adjust or delay rates and charges and may provide  
33 other assistance to aid low-income persons in participating in programs  
34 and in complying with regulations imposed in connection with this  
35 chapter.

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

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

3       A public utility district may acquire, construct, operate,  
4 maintain, and add to sewage systems, subject to and in compliance with  
5 the county comprehensive plan, under the general powers of Title 54 RCW  
6 or through the formation of local utility districts as provided in RCW  
7 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any  
8 sewage system works as authorized by this section, the voters of the  
9 public utility district shall first approve by majority vote a  
10 referendum proposition authorizing such district to exercise the powers  
11 set forth in this section, which proposition shall be presented at a  
12 general election. A sewage system may include any or all of the  
13 following:

14       (1) Sanitary sewage collection, treatment, and/or disposal  
15 facilities and programs, including without limitation on-site or off-  
16 site sewerage facilities such as approved on-site sewage systems, on-  
17 site sanitary sewerage systems, inspection programs and maintenance  
18 programs for public or private on-site systems, or any other means of  
19 sewage treatment and disposal;

20       (2) Water quality education and public involvement programs for the  
21 protection of waters of the state as defined by RCW 90.48.020 from  
22 pollution;

23       (3) Point and nonpoint water pollution monitoring programs; and

24       (4) Public restroom and sanitary facilities.

25       Rates or charges imposed under this chapter for on-site inspection  
26 and maintenance services shall reflect the allocable share of the cost  
27 of providing the program or service to the person or entity paying the  
28 charge, and may not be imposed on the development, construction, or  
29 reconstruction of property.

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

33       Under this chapter, after January 1, 1997, any requirements for  
34 pumping the septic tank of an on-site sewage system should be based,  
35 among other things, on actual measurement of accumulation of sludge and  
36 scum by a trained operator, trained owner's agent, or trained owner.  
37 Training shall occur in a program approved by the state board of health  
38 or by a local health officer.

1 Before adopting an on-site inspection and maintenance utility  
2 program, or incorporating residences into an on-site inspection and  
3 maintenance or sewer utility under this chapter, notification shall be  
4 provided, prior to the applicable public hearing, to all residences  
5 within the proposed service area that have on-site systems permitted by  
6 the local health officer. The notice shall clearly state that the  
7 residence is within the proposed service area and shall provide  
8 information on estimated rates or charges that may be imposed for the  
9 service.

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

12 A sewer district may acquire by purchase or by condemnation and  
13 purchase all lands, property rights, water, and water rights, both  
14 within and without the district, necessary for its purposes. A sewer  
15 district may lease real or personal property necessary for its purposes  
16 for a term of years for which such leased property may reasonably be  
17 needed where in the opinion of the board of sewer commissioners such  
18 property may not be needed permanently or substantial savings to the  
19 district can be effected thereby. The right of eminent domain shall be  
20 exercised in the same manner and by the same procedure as provided for  
21 cities and towns, insofar as consistent with the provisions of this  
22 title, except that all assessments or reassessment rolls required to  
23 be filed by eminent domain commissioners or commissioners appointed by  
24 the court shall be prepared and filed by the district, and the duties  
25 devolving upon the city treasurer shall be imposed upon the county  
26 treasurer for the purposes hereof. A sewer district may construct,  
27 condemn and purchase, add to, maintain, and operate systems of sewers  
28 for the purpose of furnishing the district and inhabitants thereof with  
29 an 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 programs and maintenance  
33 programs for private and public on-site systems, other facilities,  
34 programs, and systems for the collection, interception, treatment, and  
35 disposal of wastewater, and for the control of pollution from  
36 wastewater and for the protection, preservation, and rehabilitation of  
37 surface and underground waters, facilities for the drainage of storm or  
38 surface waters, public highways, streets, and roads with full authority

1 to regulate the use, implementation, and operation thereof and the  
2 service rates to be charged and may construct, acquire, or own  
3 buildings and other necessary district facilities. Under this chapter,  
4 after January 1, 1997, any requirements for pumping the septic tank of  
5 an on-site sewage system should be based, among other things, on actual  
6 measurement of accumulation of sludge and scum by a trained operator,  
7 trained owner's agent, or trained owner. Training shall occur in a  
8 program approved by the state board of health or by a local health  
9 officer. Such sewage facilities may include facilities which result in  
10 combined sewage disposal, treatment, or drainage and electric  
11 generation, provided that the electricity generated thereby is a  
12 byproduct of the system of sewers. Such electricity may be used by the  
13 sewer district or sold to any entity authorized by law to distribute  
14 electricity. Such electricity is 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.  
26 For the purposes of sewage facilities which include facilities which  
27 result 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 owner. A district  
33 may charge property owners seeking to connect to the district system of  
34 sewers, as a condition to granting the right to so connect, in addition  
35 to the cost of such connection, such reasonable connection charge as  
36 the board of commissioners shall determine to be proper in order that  
37 such property owners shall bear their equitable share of the cost of  
38 such system. For purposes of calculating a connection charge, the  
39 board of commissioners shall determine the pro rata share of the cost

1 of existing facilities and facilities planned for construction within  
2 the next ten years and contained in an adopted comprehensive plan and  
3 other costs borne by the district which are directly attributable to  
4 the improvements required by property owners seeking to connect to the  
5 system. The cost of existing facilities shall not include those  
6 portions of the system which have been donated or which have been paid  
7 for by grants.

8 The connection charge may include interest charges applied from the  
9 date of construction of the sewer system until the connection, or for  
10 a period not to exceed ten years, whichever is shorter, at a rate  
11 commensurate with the rate of interest applicable to the district at  
12 the time of construction or major rehabilitation of the sewer system,  
13 or at the time of installation of the sewer lines to which the property  
14 owner is seeking to connect.

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

30 Revenues from connection charges excluding permit fees are to be  
31 considered payments in aid of construction as defined by department of  
32 revenue rule. Rates or charges imposed under this chapter for on-site  
33 inspection and maintenance services shall reflect the allocable share  
34 of the cost of providing the program or service to the person or entity  
35 paying the charge, and may not be imposed on the development,  
36 construction, or reconstruction of property.

37 Before adopting an on-site inspection and maintenance utility  
38 program, or incorporating residences into an on-site inspection and  
39 maintenance or sewer utility under this chapter, notification shall be

1 provided, prior to the applicable public hearing, to all residences  
2 within the proposed service area that have on-site systems permitted by  
3 the local health officer. The notice shall clearly state that the  
4 residence is within the proposed service area and shall provide  
5 information on estimated rates or charges that may be imposed for the  
6 service.

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

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

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

1 comprehensive plan shall be approved, conditionally approved, or  
2 rejected by the director of health within sixty days of the plan's  
3 receipt and by the designated engineer within sixty days of the plan's  
4 receipt. However, this sixty-day time limitation may be extended by  
5 the director of health or engineer for up to an additional sixty days  
6 if sufficient time is not available to review adequately the general  
7 comprehensive plans.

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

35 If the district includes portions or all of one or more cities or  
36 towns, the general comprehensive plan shall be submitted also to, and  
37 approved by resolution of, the governing body of such cities and towns  
38 before becoming effective. The general comprehensive plan shall be  
39 deemed approved by the city or town governing body if the city or town

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

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

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

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

29 In classifying customers served or service, facility, or program  
30 furnished by such system of sewerage, the board of commissioners may in  
31 its discretion consider any or all of the following factors: The  
32 difference in cost ((~~of service~~)) to the various customers; the  
33 location of the various customers within and without the district; the  
34 difference in cost of maintenance, operation, repair, and replacement  
35 of the various parts of the system; the different character of the  
36 service, facility, or program furnished various customers; the quantity  
37 and quality of the sewage delivered and the time of its delivery; the  
38 achievement of water conservation goals and the discouragement of

1 wasteful water use practices; capital contributions made to the system  
2 including but not limited to assessments; and any other matters which  
3 present a reasonable difference as a ground for distinction. Such  
4 rates are to be made on a monthly basis and shall produce revenues  
5 sufficient to take care of the costs of maintenance and operation,  
6 revenue bond and warrant interest and principal amortization  
7 requirements, and all other charges necessary for efficient and proper  
8 operation of the system.

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

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

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

1 A water district shall have the power to issue general obligation  
2 bonds for sewer system purposes: PROVIDED, That a proposition to  
3 authorize general obligation bonds payable from excess tax levies for  
4 sewer system purposes pursuant to chapter 56.16 RCW shall be submitted  
5 to all of the qualified voters within that part of the water district  
6 which is not contained within another existing district duly authorized  
7 to exercise sewer district powers, and the taxes to pay the principal  
8 of and interest on the bonds approved by such voters shall be levied  
9 only upon all of the taxable property within such part of the water  
10 district.

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

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

37 (2) If the county legislative authority creates a shellfish  
38 protection district by its own motion, any registered voter residing

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

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

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

35 NEW SECTION. **Sec. 14.** Nothing in this act may be deemed to  
36 eliminate any requirements for approval from public health agencies

1 under applicable law in connection with the siting, design,  
2 construction, and repair of on-site septic systems.

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