
SUBSTITUTE SENATE BILL 6601

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senator Swecker)

Read first time 02/02/96.

1 AN ACT Relating to sewage disposal; amending RCW 70.118.050; adding
2 a new section to chapter 70.05 RCW; adding new sections to chapter
3 70.118 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that there has
6 been considerable growth in the number of options available for on-site
7 treatment and disposal of sewage in recent years, increasing the
8 potential for development of sites in which conventional sewage systems
9 will not work. The legislature finds that, despite these technological
10 advances, barriers to wide scale application of alternative systems
11 exist. Therefore, the legislature finds that barriers to the
12 installation of alternative on-site sewage systems that have already
13 been approved for general use should be accurately identified and
14 removed.

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

1 completed application. The local health officer must respond that the
2 application is either approved, denied, or pending.

3 (2) If the local health officer denies an application to install an
4 on-site sewage system, the denial must be for cause and based upon
5 public health and environmental protection concerns, or conflicts with
6 other existing laws, regulations, or ordinances. The local health
7 officer shall provide the applicant with a written justification for
8 the denial, along with an explanation of the procedure for appeal.

9 (3) If the local health officer identifies the application as
10 pending and subject to review beyond thirty days, the local health
11 officer shall provide the applicant with a written justification that
12 the site-specific conditions or circumstances necessitate a longer time
13 period for a decision on the application. The local health officer
14 must include any specific information necessary to make a decision and
15 the estimated time required for a decision to be made.

16 (4) A local health officer may not limit the number of alternative
17 sewage systems within his or her jurisdiction without cause. Any such
18 limitation must be based upon public health and environmental
19 protection concerns, or conflicts with other existing laws,
20 regulations, or ordinances. If such a limitation is established, the
21 local health officer must justify the limitation in writing, with
22 specific reasons, and must provide an explanation of the procedure for
23 appealing the limitation.

24 **Sec. 3.** RCW 70.118.050 and 1989 c 349 s 3 are each amended to read
25 as follows:

26 (1) If the legislative authority of a county or city finds that
27 more restrictive standards than those contained in section 2 of this
28 act or those adopted by the state board of health for systems allowed
29 under section 2 of this act or limitations on expansion of a residence
30 are necessary to ensure protection of the public health, attainment of
31 state water quality standards, and the protection of shellfish and
32 other public resources, the legislative authority may adopt ordinances
33 or resolutions setting standards as they may find necessary for
34 implementing their findings. The legislative authority may identify
35 the geographic areas where it is necessary to implement the more
36 restrictive standards. In addition, the legislative authority may
37 adopt standards for the design, construction, maintenance, and
38 monitoring of sewage disposal systems.

1 (2) The legislative authority of a county or city must respond to
2 the applicant for an on-site sewage system permit within thirty days
3 after receiving a fully completed application. The legislative
4 authority must respond that the application is either approved, denied,
5 or pending.

6 (3) If the legislative authority denies an application to install
7 an on-site sewage system, the denial must be for cause and based upon
8 public health and environmental protection concerns, or conflicts with
9 other existing laws, regulations, or ordinances. The legislative
10 authority shall provide the applicant with a written justification for
11 the denial, along with an explanation of the procedure for appeal.

12 (4) If the legislative authority identifies the application as
13 pending and subject to review beyond thirty days, the legislative
14 authority shall provide the applicant with a written justification that
15 the site-specific conditions or circumstances necessitate a longer time
16 period for a decision on the application. The legislative authority
17 must include any specific information necessary to make a decision and
18 the estimated time required for a decision to be made.

19 (5) A legislative authority of a county or city may not limit the
20 number of alternative sewage systems within its jurisdiction without
21 cause. Any such limitation must be based upon public health and
22 environmental concerns, or conflicts with other existing laws,
23 regulations, or ordinances. If such a limitation is established, the
24 legislative authority must justify the limitation in writing, with
25 specific reasons, and must provide an explanation of the procedure for
26 appealing the limitation.

27 NEW SECTION. Sec. 4. A new section is added to chapter 70.118 RCW
28 to read as follows:

29 The department of health must include a person who is familiar with
30 the operation and maintenance of certified proprietary devices on the
31 technical review committee responsible for evaluating and making
32 recommendations to the department of health regarding the general use
33 of alternative on-site sewage systems in the state.

34 NEW SECTION. Sec. 5. A new section is added to chapter 70.118 RCW
35 to read as follows:

36 In order to assure that technical guidelines and standards keep
37 pace with advancing technologies, the department of health in

1 collaboration with the technical review committee, local health
2 departments, and other interested parties, shall review and update as
3 appropriate, the state guidelines and standards for alternative on-site
4 sewage disposal every three years. The first review and update shall
5 be completed by January 1, 1997.

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