
SENATE BILL 6044

State of Washington

57th Legislature

2001 Regular Session

By Senator Finkbeiner

Read first time 02/15/2001. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to on-site sewage disposal systems; amending RCW
2 70.118.020; adding a new section to chapter 70.118 RCW; adding a new
3 section to chapter 18.210 RCW; creating new sections; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature enacted chapter 263, Laws of
7 1999 to help address problems with failing septic systems. As part of
8 chapter 263, Laws of 1999, a work group was created to develop
9 recommendations regarding financial assurances of on-site sewage
10 disposal system practitioners, including bonding, insurance, risk
11 pools, and similar methods. This work group submitted its
12 recommendations to the legislature on December 1, 1999.
13 Recommendations developed by the work group include the development of
14 a data collection system that documents the number and types of
15 systems, locations within the state by region, the frequency of repair,
16 and the diagnosed factors leading to repair, as well as the development
17 of a model program that identifies the authorities, roles, and
18 responsibilities of the designer, installer, and homeowner.

1 The legislature recognizes that a major source of nonpoint
2 pollution is failing on-site sewage disposal systems. The 1999-2001
3 Puget Sound water quality work plan, developed by the Puget Sound water
4 quality action team, indicates that local governments have reported
5 failure rates for on-site sewage disposal systems of up to twenty-five
6 percent along the shoreline of Puget Sound. Pollution from these
7 failing systems poses a risk to public health and water quality, and
8 significantly impacts the shellfish industry. The general public is
9 also exposed to significant health risks when sewage is discharged upon
10 the ground or into surface or ground waters. The legislature finds
11 that the public health and water quality can be better protected by:
12 The development of better data; the development of clear lines of
13 responsibility between the designer, installers, and homeowners; and
14 clarifications to the existing law regarding on-site sewage disposal
15 systems.

16 NEW SECTION. **Sec. 2.** The legislature recommends the state board
17 of health consider requiring the installation of inspection portals in
18 on-site wastewater treatment systems through the adoption of rules or
19 incorporation in on-site sewage system operations and maintenance
20 guidelines.

21 **Sec. 3.** RCW 70.118.020 and 1994 c 281 s 2 are each amended to read
22 as follows:

23 As used in this chapter, the terms defined in this section shall
24 have the meanings indicated unless the context clearly indicates
25 otherwise.

26 (1) "Nonwater-carried sewage disposal devices" means any device
27 that stores and treats nonwater-carried human urine and feces.

28 (2) "Alternative methods of effluent disposal" means systems
29 approved by the department of health, including at least, mound
30 systems, alternating drainfields, anaerobic filters, evapotranspiration
31 systems, and aerobic systems.

32 (3) "Failure" means: (a) Effluent has been discharged on the
33 surface of the ground prior to approved treatment; or (b) effluent has
34 percolated to the surface of the ground; or (c) effluent has
35 contaminated or threatens to contaminate a ground water supply; or (d)
36 a drainfield, sand filter, or mound that has become saturated. For
37 purposes of this subsection, "saturated" means an inability to fully

1 absorb wastewater, which may be exhibited by a pumped tank filling from
2 the backflow from the drainfield, sand filter, or mound. A failing
3 system does not include those systems that are either temporarily
4 frozen during winter or temporarily saturated due to the occurrence of
5 a flooded stream or river.

6 (4) "Additive" means any commercial product intended to affect the
7 performance or aesthetics of an on-site sewage disposal system.

8 (5) "Department" means the department of health.

9 (6) "On-site sewage disposal system" means any system of piping,
10 treatment devices, or other facilities that convey, store, treat, or
11 dispose of sewage on the property where it originates or on nearby
12 property under the control of the user where the system is not
13 connected to a public sewer system. For purposes of this chapter, an
14 on-site sewage disposal system does not include indoor plumbing and
15 associated fixtures.

16 (7) "Chemical additive" means those additives containing acids,
17 bases, or other chemicals deemed unsafe by the department for use in an
18 on-site sewage disposal system.

19 (8) "Additive manufacturer" means any person who manufactures,
20 formulates, blends, packages, or repackages an additive product for
21 sale, use, or distribution within the state.

22 NEW SECTION. Sec. 4. The department of health shall develop a
23 model program pertaining to on-site sewage disposal systems that
24 describes the authorities, roles, and responsibilities of designers,
25 installers, and homeowners. In developing the model program, the
26 department shall involve local health jurisdictions, owners of on-site
27 sewage disposal systems, designers and installers of on-site sewage
28 disposal systems, and builders. The meetings to develop the model
29 program shall be open to the public, and time shall be allocated at
30 each meeting to receive public comment. The model program has no
31 binding effect on the liability of any party, but shall be used in the
32 future development of a cost-effective performance-based recovery
33 system for consumers of on-site sewage disposal systems. The model
34 shall give consideration to long-term performance warranties provided
35 to the owners of these on-site systems. Design criteria in this model
36 should address peak flow limitations. The department of health shall
37 report its recommendations and model to the office of financial
38 management and the appropriate legislative committees by July 1, 2002.

1 NEW SECTION. **Sec. 5.** The department of health shall develop
2 recommendations for establishing a statewide system of risk assessment
3 data for on-site sewage disposal systems. The department shall consult
4 with local health jurisdictions in developing the recommendations. The
5 recommendations shall address how local governments will maintain and
6 transmit information to the department pertaining to on-site sewage
7 disposal systems, and how this information will be used by local health
8 jurisdictions to determine appropriate siting, design, and inspection
9 protocols. Information that shall be considered when developing the
10 recommendations for the system of risk assessment data include the
11 number and types of on-site sewage disposal systems, the frequency of
12 repair by geographic regions, factors leading to repair by general
13 category, and funding for the state and local governments to develop
14 and maintain the system of data. Nothing in this section requires a
15 local board of health to collect information concerning why an on-site
16 sewage disposal system failed prior to the development of the system.
17 The department of health shall submit its recommendations to the office
18 of financial management and the appropriate legislative committees by
19 January 1, 2002.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.118 RCW
21 to read as follows:

22 Whenever a local health officer determines that a person has
23 intentionally discharged effluent onto the surface of the ground, or
24 into surface or ground water, or has installed a bypass to an on-site
25 sewage disposal system that results in such a discharge, and the person
26 causing the discharge is an installer, pumper, or other on-site sewage
27 disposal system professional subject to department of health guidelines
28 for on-site sewage disposal system work, the local board of health must
29 suspend the license, certification, permit, or other authority of the
30 on-site sewage disposal system professional for a minimum of thirty
31 days. The suspension under this section is in addition to any civil or
32 criminal penalty that may be imposed by the local board of health or
33 the department of health. This section does not apply when the
34 discharge is authorized by a local health officer as the only realistic
35 method of final disposal of treated effluent. This section does not
36 apply to designers of on-site sewage disposal systems, who are subject
37 to section 7 of this act for intentional discharges of effluent.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.210 RCW
2 to read as follows:

3 When a local health officer determines that a designer has
4 intentionally discharged effluent onto the surface of the ground, or
5 into surface or ground water, or has installed a bypass to an on-site
6 sewage disposal system that results in such a discharge, the local
7 health officer shall report the incident to the board. The board,
8 acting pursuant to RCW 18.210.030, shall suspend the license or
9 practice permit of the designer for a minimum of thirty days. The
10 suspension shall be in addition to any civil or criminal penalty that
11 may be imposed. An intentional discharge of effluent in violation of
12 this section constitutes malpractice under RCW 18.210.020. This
13 section does not apply when the discharge is authorized by a local
14 health officer as the only realistic method of final disposal of
15 treated effluent.

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