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**SENATE BILL 5055**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Angel and Roach

AN ACT Relating to a local government installing a public sewage system within the public right-of-way under certain circumstances; and amending RCW 70.05.074.

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

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

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

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

(3) If the local health officer denies an application to install an on-site sewage system for an existing single-family residence that would be otherwise approved except for a law, regulation, or ordinance requiring connection to a public sewer system, the local government must install a sewer system within any public right-of-way in order to extend service to the property owner. The property owner of the existing single-family residence is only responsible for the cost of improvements on his or her property and sewer connection fees required to connect to the public sewer system. If the local government does not install a sewer system within the public right-of-way, the local health officer must issue an on-site sewage system permit.

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

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

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