

SB 5871 - S AMD 154
By Senator Angel

ADOPTED 3/10/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
4 RCW to read as follows:

5 (1) A city with an ordinance or resolution requiring, upon the
6 failure of an on-site septic system, connection to a public sewer
7 system must, in accordance with this section, provide an
8 administrative appeals process to consider denials of permit
9 applications to repair or replace the septic system. The
10 administrative appeals process required by this section applies only
11 to requests to repair or replace existing, failing on-site septic
12 systems that:

13 (a) Were made for a single-family residence by its owner or
14 owners;

15 (b) Were denied solely because of a law, regulation, or ordinance
16 requiring connection to a public sewer system; and

17 (c) Absent the applicable law, regulation, or ordinance requiring
18 connection to a public sewer system upon which the denial was based,
19 would be approved.

20 (2) If the city has an administrative appeals process, the city
21 may, subject to the requirements of this section, use that
22 process. The administrative appeals process required by this section,
23 however, must be presided over by the legislative body of the city or
24 by an administrative hearings officer.

25 (3) The administrative appeals process required by this section
26 must, at a minimum, consider whether:

27 (a) It is cost-prohibitive to require the property owner to
28 connect to the public sewer system. In complying with this subsection
29 (3)(a), the city must consider the estimated cost to repair or
30 replace the on-site septic system compared to the estimated cost to
31 connect to the public sewer system;

32 (b) There are public health or environmental considerations
33 related to allowing the property owner to repair or replace the on-

1 site septic system. In complying with this subsection (3)(b), the
2 city must consider whether the repaired or replaced on-site septic
3 system contributes to the pollution of surface waters or groundwater;

4 (c) There are public sewer system performance or financing
5 considerations related to allowing the property owner to repair or
6 replace the on-site septic system; and

7 (d) There are financial assistance programs or latecomer
8 agreements offered by the city or state that may impact a decision of
9 the property owner to repair or replace the on-site septic system.

10 (4) If the city, following the appeals process required by this
11 section, determines that the property owner must connect the
12 residence to the public sewer system, the property owner may, in
13 complying with the determination and subject to approval of
14 appropriate permits, select and hire contractors at his or her own
15 expense to perform the work necessary to connect the residence to the
16 public sewer system.

17 (5) Unless otherwise required by law, a city determination
18 requiring the owner of a single-family residence with a failing on-
19 site septic system to connect a residence to a public sewer system is
20 not subject to appeal.

21 (6) For purposes of this section, "city" means a city or town.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21
23 RCW to read as follows:

24 (1) A city with an ordinance or resolution requiring, upon the
25 failure of an on-site septic system, connection to a public sewer
26 system must, in accordance with this section, provide an
27 administrative appeals process to consider denials of permit
28 applications to repair or replace the septic system. The
29 administrative appeals process required by this section applies only
30 to requests to repair or replace existing, failing on-site septic
31 systems that:

32 (a) Were made for a single-family residence by its owner or
33 owners;

34 (b) Were denied solely because of a law, regulation, or ordinance
35 requiring connection to a public sewer system; and

36 (c) Absent the applicable law, regulation, or ordinance requiring
37 connection to a public sewer system upon which the denial was based,
38 would be approved.

1 (2) If the city has an administrative appeals process, the city
2 may, subject to the requirements of this section, use that
3 process. The administrative appeals process required by this section,
4 however, must be presided over by the legislative body of the city or
5 by an administrative hearings officer.

6 (3) The administrative appeals process required by this section
7 must, at a minimum, consider whether:

8 (a) It is cost-prohibitive to require the property owner to
9 connect to the public sewer system. In complying with this subsection
10 (3)(a), the city must consider the estimated cost to repair or
11 replace the on-site septic system compared to the estimated cost to
12 connect to the public sewer system;

13 (b) There are public health or environmental considerations
14 related to allowing the property owner to repair or replace the on-
15 site septic system. In complying with this subsection (3)(b), the
16 city must consider whether the repaired or replaced on-site septic
17 system contributes to the pollution of surface waters or groundwater;

18 (c) There are public sewer system performance or financing
19 considerations related to allowing the property owner to repair or
20 replace the on-site septic system; and

21 (d) There are financial assistance programs or latecomer
22 agreements offered by the city or state that may impact a decision of
23 the property owner to repair or replace the on-site septic system.

24 (4) If the city, following the appeals process required by this
25 section, determines that the property owner must connect the
26 residence to the public sewer system, the property owner may, in
27 complying with the determination and subject to approval of
28 appropriate permits, select and hire contractors at his or her own
29 expense to perform the work necessary to connect the residence to the
30 public sewer system.

31 (5) Unless otherwise required by law, a city determination
32 requiring the owner of a single-family residence with a failing on-
33 site septic system to connect a residence to a public sewer system is
34 not subject to appeal.

35 (6) For purposes of this section, "city" means a "code city" as
36 defined in RCW 35A.01.035.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
38 RCW to read as follows:

1 (1) A county with an ordinance or resolution requiring, upon the
2 failure of an on-site septic system, connection to a public sewer
3 system must, in accordance with this section, provide an
4 administrative appeals process to consider denials of permit
5 applications to repair or replace the septic system. The
6 administrative appeals process required by this section applies only
7 to requests to repair or replace existing, failing on-site septic
8 systems that:

9 (a) Were made for a single-family residence by its owner or
10 owners;

11 (b) Were denied solely because of a law, regulation, or ordinance
12 requiring connection to a public sewer system; and

13 (c) Absent the applicable law, regulation, or ordinance requiring
14 connection to a public sewer system upon which the denial was based,
15 would be approved.

16 (2) If the county has an administrative appeals process, the
17 county may, subject to the requirements of this section, use that
18 process. The administrative appeals process required by this section,
19 however, must be presided over by the legislative body of the county
20 or by an administrative hearings officer.

21 (3) The administrative appeals process required by this section
22 must, at a minimum, consider whether:

23 (a) It is cost-prohibitive to require the property owner to
24 connect to the public sewer system. In complying with this subsection
25 (3)(a), the county must consider the estimated cost to repair or
26 replace the on-site septic system compared to the estimated cost to
27 connect to the public sewer system;

28 (b) There are public health or environmental considerations
29 related to allowing the property owner to repair or replace the on-
30 site septic system. In complying with this subsection (3)(b), the
31 county must consider whether the repaired or replaced on-site septic
32 system contributes to the pollution of surface waters or groundwater;

33 (c) There are public sewer system performance or financing
34 considerations related to allowing the property owner to repair or
35 replace the on-site septic system; and

36 (d) There are financial assistance programs or latecomer
37 agreements offered by the county or state that may impact a decision
38 of the property owner to repair or replace the on-site septic system.

39 (4) If the county, following the appeals process required by this
40 section, determines that the property owner must connect the

1 residence to the public sewer system, the property owner may, in
2 complying with the determination and subject to approval of
3 appropriate permits, select and hire contractors at his or her own
4 expense to perform the work necessary to connect the residence to the
5 public sewer system.

6 (5) Unless otherwise required by law, a county determination
7 requiring the owner of a single-family residence with a failing on-
8 site septic system to connect a residence to a public sewer system is
9 not subject to appeal."

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10 On page 1, line 3 of the title, after "systems;" strike the
11 remainder of the title and insert "adding a new section to chapter
12 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a
13 new section to chapter 36.01 RCW."

EFFECT: (1) Specifies that if, following the appeals process
required in the underlying bill, a city, town, or county requires a
single-family residence to be connected to a public sewer system, the
contractor connection work is subject to approval of appropriate
permits.

(2) Makes nonsubstantive drafting changes.

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