
ENGROSSED SUBSTITUTE SENATE BILL 5281

State of Washington

65th Legislature

2017 Regular Session

By Senate Local Government (originally sponsored by Senators Angel, Fortunato, Takko, Fain, Sheldon, and Hobbs)

READ FIRST TIME 02/15/17.

1 AN ACT Relating to state board of health rules regarding on-site
2 sewage systems; and amending RCW 43.20.050.

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

4 **Sec. 1.** RCW 43.20.050 and 2011 c 27 s 1 are each amended to read
5 as follows:

6 (1) The state board of health shall provide a forum for the
7 development of public health policy in Washington state. It is
8 authorized to recommend to the secretary means for obtaining
9 appropriate citizen and professional involvement in all public health
10 policy formulation and other matters related to the powers and duties
11 of the department. It is further empowered to hold hearings and
12 explore ways to improve the health status of the citizenry.

13 In fulfilling its responsibilities under this subsection, the
14 state board may create ad hoc committees or other such committees of
15 limited duration as necessary.

16 (2) In order to protect public health, the state board of health
17 shall:

18 (a) Adopt rules for group A public water systems, as defined in
19 RCW 70.119A.020, necessary to assure safe and reliable public
20 drinking water and to protect the public health. Such rules shall
21 establish requirements regarding:

1 (i) The design and construction of public water system
2 facilities, including proper sizing of pipes and storage for the
3 number and type of customers;

4 (ii) Drinking water quality standards, monitoring requirements,
5 and laboratory certification requirements;

6 (iii) Public water system management and reporting requirements;

7 (iv) Public water system planning and emergency response
8 requirements;

9 (v) Public water system operation and maintenance requirements;

10 (vi) Water quality, reliability, and management of existing but
11 inadequate public water systems; and

12 (vii) Quality standards for the source or supply, or both source
13 and supply, of water for bottled water plants;

14 (b) Adopt rules as necessary for group B public water systems, as
15 defined in RCW 70.119A.020. The rules shall, at a minimum, establish
16 requirements regarding the initial design and construction of a
17 public water system. The state board of health rules may waive some
18 or all requirements for group B public water systems with fewer than
19 five connections;

20 (c) Adopt rules and standards for prevention, control, and
21 abatement of health hazards and nuisances related to the disposal of
22 human and animal excreta and animal remains;

23 (d) Adopt rules controlling public health related to
24 environmental conditions including but not limited to heating,
25 lighting, ventilation, sanitary facilities, and cleanliness in public
26 facilities including but not limited to food service establishments,
27 schools, recreational facilities, and transient accommodations;

28 (e) Adopt rules for the imposition and use of isolation and
29 quarantine;

30 (f) Adopt rules for the prevention and control of infectious and
31 noninfectious diseases, including food and vector borne illness, and
32 rules governing the receipt and conveyance of remains of deceased
33 persons, and such other sanitary matters as may best be controlled by
34 universal rule; and

35 (g) Adopt rules for accessing existing databases for the purposes
36 of performing health related research.

37 (3)(a) The state board shall adopt rules for the design,
38 construction, installation, operation, and maintenance of those
39 on-site sewage systems with design flows of less than three thousand
40 five hundred gallons per day.

1 (b) Rules under this subsection (3) must not require:

2 (i) A use permit to be conditioned with a requirement for a
3 monitoring contract between a private company and a private
4 individual or property owner;

5 (ii) Dedicated easements for the inspection, maintenance, or
6 potential future expansion of an on-site sewage system; or

7 (iii) Replacement of an existing on-site sewage system if a
8 repair returns the system to its previously permitted or original
9 functioning state.

10 (4) The state board may delegate any of its rule-adopting
11 authority to the secretary and rescind such delegated authority.

12 (5) All local boards of health, health authorities and officials,
13 officers of state institutions, police officers, sheriffs,
14 constables, and all other officers and employees of the state, or any
15 county, city, or township thereof, shall enforce all rules adopted by
16 the state board of health and must comply with the same rule
17 limitations as the state board of health under subsection (3) of this
18 section. In the event of failure or refusal on the part of any member
19 of such boards or any other official or person mentioned in this
20 section to so act, he or she shall be subject to a fine of not less
21 than fifty dollars, upon first conviction, and not less than one
22 hundred dollars upon second conviction.

23 (6) The state board may advise the secretary on health policy
24 issues pertaining to the department of health and the state.

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