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**SUBSTITUTE HOUSE BILL 1457**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Haugen, Wilson and Zellinsky).

Read first time February 20, 1991.

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

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

5       NEW SECTION.   **Sec. 1.**       The legislature finds that additives do  
6 not currently have a positive effect on the operation of on-site  
7 systems. The legislature further finds that additives can contaminate  
8 ground water aquifers, render septic drainfields dysfunctional, and  
9 result in costly repairs to homeowners. It is therefore the intent of  
10 the legislature to ban the use, sale, and distribution of additives  
11 within the state unless an additive has been specifically approved by  
12 the department of health.

13       **Sec. 2.**   RCW 70.118.020 and 1977 ex.s. c 133 s 2 are each amended  
14 to read as follows:

1 As used in this chapter, the terms defined in this section shall  
2 have the meanings indicated unless the context clearly indicates  
3 otherwise.

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

6 (2) "Alternative methods of effluent disposal" means systems  
7 approved by the department of social and health services, including at  
8 least, mound systems, alternating drain fields, anaerobic filters,  
9 evapotranspiration systems, and aerobic systems.

10 (3) "Failure" means: (a) Effluent has been discharged on the  
11 surface of the ground prior to approved treatment; or (b) effluent has  
12 percolated to the surface of the ground; or (c) effluent has  
13 contaminated or threatens to contaminate a ground water supply.

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

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

18 NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW  
19 to read as follows:

20 (1) After July 1, 1991, a person may not use, sell, or distribute  
21 an additive to on-site sewage disposal systems unless such additive has  
22 been specifically approved by the department. The department may  
23 approve an additive if it can be demonstrated to the satisfaction of  
24 the department that the additive has a positive benefit, and no adverse  
25 effect, on the operation or performance of an on-site sewage system.  
26 Upon written request by a manufacturer or distributor of an on-site  
27 sewage system to evaluate an additive, the department may charge a fee  
28 sufficient to cover the cost of evaluating an additive.

1           (2) A violation of subsection (1) of this section is a class 3  
2 civil infraction under chapter 7.80 RCW. Each additive sold or  
3 distributed in violation of this section shall be a separate  
4 infraction. The department and local departments of health shall issue  
5 a written warning to any retailer or distributor prior to issuing a  
6 notice of civil infraction.

7           (3) The department is responsible for notifying, in writing, major  
8 distributors and wholesalers of additives of the state-wide prohibition  
9 on additives.