

2 **SHB 2248** - S COMM AMD
3 By Committee on Ecology & Parks

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature recognizes that there has
8 been considerable growth in the number of options available for on-site
9 treatment and disposal of sewage in recent years, increasing the
10 potential for development of sites in which conventional sewage systems
11 will not work. The legislature finds that, despite these technological
12 advances, barriers to wide-scale application of alternative systems
13 exist. Therefore, it is the purpose of this act to streamline the
14 permitting of on-site systems of sewerage, and to promote efficiency in
15 the delivery of water quality and pollution prevention programs through
16 service-oriented utilities.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.05 RCW
18 to read as follows:

19 (1) The local health officer must respond to the applicant for an
20 on-site sewage system permit within thirty days after receiving a fully
21 completed application, or within another time period as established by
22 the jurisdictional board of health. The local health officer must
23 respond by replying that the application is either approved, denied, or
24 pending.

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

32 (3) If the local health officer identifies the application as
33 pending and subject to review beyond the time established in subsection
34 (1) of this section, the local health officer must provide the
35 applicant with a written justification that the site-specific

1 conditions or other circumstances necessitate a longer time period for
2 a decision on the application. The local health officer must include
3 any specific information necessary to make a decision. The local
4 health officer must also include an estimate of the time that will be
5 required for a decision on the application once the applicant has
6 provided all necessary information.

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

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118 RCW
17 to read as follows:

18 The department of health must include a person who is familiar with
19 the operation and maintenance of certified proprietary devices on the
20 technical review committee responsible for evaluating and making
21 recommendations to the department of health regarding the general use
22 of alternative on-site sewage systems in the state.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 56.04 RCW
24 to read as follows:

25 (1) As an alternative means to forming a sewer district, a county
26 legislative authority may authorize the formation of a sewer district
27 to serve solely a new development that at the time of formation does
28 not have any residents, at the written request of sixty percent of the
29 owners of the area to be included in the proposed district. The county
30 legislative authority must review the proposed district according to
31 RCW 56.02.060. Approval or disapproval of the proposed district is as
32 provided in RCW 56.02.070.

33 (2) The county legislative authority must appoint the initial sewer
34 commissioners of the district. The commissioners serve until seventy-
35 five percent of the development is sold and occupied, or until some
36 other time as specified by the county legislative authority when the

1 district is approved. Commissioners serving under this subsection are
2 not entitled to any form of compensation from the district.

3 (3) New commissioners shall be elected as provided under RCW
4 56.12.020 at the next election held under RCW 29.13.010 that follows
5 more than ninety days after the date seventy-five percent of the
6 development is sold and occupied, or after the time specified by the
7 county legislative authority when the district is approved.

8 (4) A sewer district created under this section may be dissolved or
9 transferred by order of the county legislative authority at the written
10 request of sixty percent of the owners of the area included in the
11 district. The sewer district may be dissolved under chapter 36.96 RCW,
12 transferred to a county under RCW 36.94.310, or transferred to a city
13 under chapter 35.13A RCW.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.118 RCW
15 to read as follows:

16 In order to assure that technical guidelines and standards keep
17 pace with advancing technologies, the department of health, in
18 collaboration with the technical review committee, local health
19 departments, the certified proprietary device association, and other
20 interested parties, must review and update as appropriate, the state
21 guidelines and standards for alternative on-site sewage disposal every
22 three years. The first review and update shall be completed by January
23 1, 1997.

24 **Sec. 6.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read
25 as follows:

26 A "system of sewerage" means and may include((s)) any or all of the
27 following:

28 (1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment,
29 and/or disposal facilities and programs, on-site or off-site sanitary
30 sewerage facilities such as approved on-site sewage systems, on-site
31 sanitary sewerage systems, inspection programs and maintenance programs
32 for public or private on-site systems, or any other means of sewage
33 treatment and disposal approved by the city;

34 (2) Combined sanitary sewage disposal and storm or surface water
35 sewers;

36 (3) Storm or surface water sewers;

1 (4) Outfalls for storm drainage or sanitary sewage and works,
2 plants, and facilities for storm drainage or sanitary sewage treatment
3 and disposal, ~~((or))~~ and rights and interests in property relating to
4 the system;

5 (5) Combined water and sewerage systems;

6 (6) Water quality education and public involvement programs for the
7 protection of waters of the state as defined by RCW 90.48.020 from
8 pollution. Such education programs are limited to those that are
9 directly related to the sewerage facilities and programs operated by a
10 city or town;

11 (7) Point and nonpoint water pollution monitoring programs that are
12 directly related to the sewerage facilities and programs operated by a
13 city or town;

14 (8) Public restroom and sanitary facilities; and

15 (9) Any combination of or part of any or all of such facilities.

16 The words "public utility" when used in this chapter shall have the
17 same meaning as the words "system of sewerage."

18 **Sec. 7.** RCW 35.67.020 and 1995 c 124 s 3 are each amended to read
19 as follows:

20 Every city and town may construct, condemn and purchase, acquire,
21 add to, implement, maintain, conduct, and operate systems of sewerage
22 and systems and plants for refuse collection and disposal together with
23 additions, extensions, and betterments thereto, within and without its
24 limits, with full jurisdiction and authority to manage, regulate, and
25 control them and to fix, alter, regulate, and control the rates and
26 charges for their use. The rates charged must be uniform for the same
27 class of customers or service.

28 In classifying customers served or service, facilities, and
29 programs furnished by such system of sewerage, the city or town
30 legislative body may in its discretion consider any or all of the
31 following factors: (1) The difference in cost of service, facilities,
32 and programs to the various customers; (2) the location of the various
33 customers within and without the city or town; (3) the difference in
34 cost of maintenance, operation, implementation, repair, and replacement
35 of the various parts of the system; (4) the different character of the
36 service, facilities, and programs furnished various customers; (5) the
37 quantity and quality of the sewage delivered and the time of its
38 delivery; (6) the achievement of water conservation goals and the

1 discouragement of wasteful water use practices; (7) capital
2 contributions made to the system, including but not limited to,
3 assessments; (8) the nonprofit public benefit status, as defined in RCW
4 24.03.490, of the land user; and (9) any other matters which present a
5 reasonable difference as a ground for distinction. Rates or charges
6 imposed under this chapter for on-site inspection and maintenance
7 services shall reflect the allocable share of the cost of providing the
8 program or service to the person or entity paying the charge, and may
9 not be imposed on the development, construction, or reconstruction of
10 property.

11 A city or town may adjust or delay rates and charges and may
12 provide other assistance to aid low-income persons in participating in
13 programs and in complying with regulations imposed in connection with
14 this chapter.

15 Under this chapter, after January 1, 1997, any requirements for
16 pumping the septic tank of an on-site sewage system should be based,
17 among other things, on actual measurement of accumulation of sludge and
18 scum by a trained operator, trained owner's agent, or trained owner.
19 Training shall occur in a program approved by the state board of health
20 or by a local health officer.

21 Before adopting an on-site inspection and maintenance utility
22 program, or incorporating residences into an on-site inspection and
23 maintenance or sewer utility under this chapter, notification shall be
24 provided, prior to the applicable public hearing, to all residences
25 within the proposed service area that have on-site systems permitted by
26 the local health officer. The notice shall clearly state that the
27 residence is within the proposed service area and shall provide
28 information on estimated rates or charges that may be imposed for the
29 service.

30 **Sec. 8.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read
31 as follows:

32 A city or town may construct, condemn and purchase, purchase,
33 acquire, add to, alter, maintain, implement, and operate systems,
34 plants, sites, or other facilities of sewerage as defined in RCW
35 35.67.010, or solid waste handling as defined by RCW 70.95.030, and
36 shall have full authority to manage, regulate, operate, control, and to
37 fix the price of service, facility, or program of those systems,
38 plants, sites, or other facilities within and without the limits of the

1 city or town. The rates charged shall be uniform for the same class of
2 customers or service, facility, or program. In classifying customers
3 served or service, facilities, and programs furnished by a system or
4 systems of sewerage, the legislative authority of the city or town may
5 in its discretion consider any or all of the following factors: (1)
6 The difference in cost of service, facilities, and programs to
7 customers; (2) the location of customers within and without the city or
8 town; (3) the difference in cost of maintenance, operation, repair, and
9 replacement of the parts of the system; (4) the different character of
10 the service, facilities, and programs furnished to customers; (5) the
11 quantity and quality of the sewage delivered and the time of its
12 delivery; (6) capital contributions made to the systems, plants, sites,
13 or other facilities, including but not limited to, assessments; (7) the
14 nonprofit public benefit status, as defined in RCW 24.03.490, of the
15 land user; and (8) any other factors that present a reasonable
16 difference as a ground for distinction. Rates or charges imposed under
17 this chapter for on-site inspection and maintenance services shall
18 reflect the allocable share of the cost of providing the program or
19 service to the person or entity paying the charge, and may not be
20 imposed on the development, construction, or reconstruction of
21 property.

22 A city or town may adjust or delay rates and charges and may
23 provide other assistance to aid low-income persons in participating in
24 programs and in complying with regulations imposed in connection with
25 this chapter.

26 Under this chapter, after January 1, 1997, any requirements for
27 pumping the septic tank of an on-site sewage system should be based,
28 among other things, on actual measurement of accumulation of sludge and
29 scum by a trained operator, trained owner's agent, or trained owner.
30 Training shall occur in a program approved by the state board of health
31 or by a local health officer.

32 Before adopting an on-site inspection and maintenance utility
33 program, or incorporating residences into an on-site inspection and
34 maintenance or sewer utility under this chapter, notification shall be
35 provided, prior to the applicable public hearing, to all residences
36 within the proposed service area that have on-site systems permitted by
37 the local health officer. The notice shall clearly state that the
38 residence is within the proposed service area and shall provide

1 information on estimated rates or charges that may be imposed for the
2 service.

3 **Sec. 9.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read
4 as follows:

5 As used in this chapter:

6 (1) A "system of sewerage" means and may include~~((s))~~ any or all of
7 the following:

8 (a) Sanitary sewage collection, treatment, and/or disposal ~~((sewers~~
9 ~~and))~~ facilities and programs, including without limitation on-site or
10 off-site sanitary sewerage facilities ~~((consisting of an))~~ such as
11 approved septic tanks or septic tank systems, on-site sanitary sewerage
12 systems, inspection programs and maintenance programs for private or
13 public on-site systems, or any other means of sewage treatment and
14 disposal approved by the county;

15 (b) Combined sanitary sewage disposal and storm or surface water
16 drains and facilities;

17 (c) Storm or surface water drains, channels, and facilities;

18 (d) Outfalls for storm drainage or sanitary sewage and works,
19 plants, and facilities for storm drainage or sanitary sewage treatment
20 and disposal, and rights and interests in property relating to the
21 system;

22 (e) Combined water and sewerage systems;

23 (f) Water quality education and public involvement programs for the
24 protection of waters of the state as defined by RCW 90.48.020 from
25 pollution. Such education programs are limited to those that are
26 directly related to the sewerage facilities and programs operated by a
27 county;

28 (g) Point and nonpoint water pollution monitoring programs that are
29 directly related to the sewerage facilities and programs operated by a
30 county;

31 (h) Public restroom and sanitary facilities;

32 (i) The facilities and programs authorized in RCW 36.94.020; and

33 (j) Any combination of or part of any or all of such facilities.

34 (2) A "system of water" means and includes:

35 (a) A water distribution system, including dams, reservoirs,
36 aqueducts, plants, pumping stations, transmission and lateral
37 distribution lines and other facilities for distribution of water;

38 (b) A combined water and sewerage system;

1 (c) Any combination of or any part of any or all of such
2 facilities.

3 (3) A "sewerage and/or water general plan" means a general plan for
4 a system of sewerage and/or water for the county which shall be an
5 element of the comprehensive plan established by the county pursuant to
6 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a
7 comprehensive plan.

8 (a) A sewerage general plan shall include the general location and
9 description of treatment and disposal facilities, trunk and interceptor
10 sewers, pumping stations, monitoring and control facilities, channels,
11 local service areas and a general description of the collection system
12 to serve those areas, a description of on-site sanitary sewerage system
13 inspection programs and maintenance programs, and other facilities and
14 programs as may be required to provide a functional and implementable
15 plan, including preliminary engineering to assure feasibility. The
16 plan may also include a description of the regulations deemed
17 appropriate to carrying out surface drainage plans.

18 (b) A water general plan shall include the general location and
19 description of water resources to be utilized, wells, treatment
20 facilities, transmission lines, storage reservoirs, pumping stations,
21 and monitoring and control facilities as may be required to provide a
22 functional and implementable plan.

23 (c) Water and/or sewerage general plans shall include preliminary
24 engineering in adequate detail to assure technical feasibility and, to
25 the extent then known, shall further discuss the methods of
26 distributing the cost and expense of the system and shall indicate the
27 economic feasibility of plan implementation. The plans may also
28 specify local or lateral facilities and programs. The sewerage and/or
29 water general plan does not mean the final engineering construction or
30 financing plans for the system.

31 (4) "Municipal corporation" means and includes any city, town,
32 metropolitan municipal corporation, any public utility district which
33 operates and maintains a sewer or water system, any sewer, water,
34 diking, or drainage district, any diking, drainage, and sewerage
35 improvement district, and any irrigation district.

36 (5) A "private utility" means and includes all utilities, both
37 public and private, which provide sewerage and/or water service and
38 which are not municipal corporations within the definition of this
39 chapter. The ownership of a private utility may be in a corporation,

1 nonprofit or for profit, in a cooperative association, in a mutual
2 organization, or in individuals.

3 (6) "Board" means one or more boards of county commissioners and/or
4 the legislative authority of a home rule charter county.

5 **Sec. 10.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read
6 as follows:

7 The construction, implementation, operation, and maintenance of a
8 system of sewerage and/or water is a county purpose. Subject to the
9 provisions of this chapter, every county has the power, individually or
10 in conjunction with another county or counties to adopt, provide for,
11 accept, establish, implement, condemn, purchase, construct, add to,
12 operate, and maintain a system or systems of sanitary and storm sewers,
13 including outfalls, interceptors, plans, and facilities and programs
14 necessary for sewerage treatment and disposal, and/or system or systems
15 of water supply within all or a portion of the county: PROVIDED, That
16 counties shall not have power to condemn sewerage and/or water systems
17 of any municipal corporation or private utility.

18 Such county or counties shall have the authority to control,
19 regulate, implement, operate, and manage such system or systems and to
20 provide funds therefor by general obligation bonds, revenue bonds,
21 local improvement district bonds, utility local improvement district or
22 local improvement district assessments, and in any other lawful fiscal
23 manner. Rates or charges imposed under this chapter for on-site
24 inspection and maintenance services shall reflect the allocable share
25 of the cost of providing the program or service to the person or entity
26 paying the charge, and may not be imposed on the development,
27 construction, or reconstruction of property.

28 Under this chapter, after January 1, 1997, any requirements for
29 pumping the septic tank of an on-site sewage system should be based,
30 among other things, on actual measurement of accumulation of sludge and
31 scum by a trained operator, trained owner's agent, or trained owner.
32 Training shall occur in a program approved by the state board of health
33 or by a local health officer.

34 Before adopting an on-site inspection and maintenance utility
35 program, or incorporating residences into an on-site inspection and
36 maintenance or sewer utility under this chapter, notification shall be
37 provided, prior to the applicable public hearing, to all residences
38 within the proposed service area that have on-site systems permitted by

1 the local health officer. The notice shall clearly state that the
2 residence is within the proposed service area and shall provide
3 information on estimated rates or charges that may be imposed for the
4 service.

5 A county may, as part of a system of sewerage established under
6 this chapter, provide for, finance, and operate any of the facilities
7 and programs and may exercise the powers expressly authorized for
8 county storm water, flood control, pollution prevention, and drainage
9 programs and activities under chapters 36.89, 86.12, 86.13, and 86.15
10 RCW. A county also may provide for, finance, and operate the
11 facilities and programs and may exercise any of the powers authorized
12 for aquifer protection areas under chapter 36.36 RCW; for lake
13 management districts under chapter 36.61 RCW; for diking districts, and
14 diking, drainage, and sewerage improvement districts under chapters
15 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection
16 districts under chapter 90.72 RCW. However, if a county by reference
17 to any of those statutes assumes as part of its system of sewerage any
18 powers granted to such areas or districts and not otherwise available
19 to a county under this chapter, then (1) the procedures and
20 restrictions applicable to those areas or districts shall apply to the
21 county's exercise of those powers, and (2) the county may not
22 simultaneously impose rates and charges under this chapter and under
23 the statutes authorizing such areas or districts for substantially the
24 same programs and services, but must instead impose uniform rates and
25 charges consistent with RCW 36.94.140. By agreement with such an area
26 or district that is not part of a county's system of sewerage, a county
27 may operate that area's or district's programs or facilities, but a
28 county may not dissolve any existing area or district except in
29 accordance with any applicable provisions of the statute under which
30 that area or district was created.

31 **Sec. 11.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read
32 as follows:

33 Every county, in the implementation and operation of a system of
34 sewerage and/or water, shall have full jurisdiction and authority to
35 manage, regulate, and control it and to fix, alter, regulate, and
36 control the rates and charges for the service, facilities, and programs
37 to those to whom such ((county)) service ((is)), facilities, and
38 programs are available, and to levy charges for connection to the

1 system. The rates for availability of service, facilities, programs,
2 and connection charges so charged must be uniform for the same class of
3 customers or service, facility, or program.

4 In classifying customers served, service furnished or made
5 available by such system of sewerage and/or water, or the connection
6 charges, the county legislative authority may consider any or all of
7 the following factors:

8 (1) The difference in cost of service to the various customers
9 within or without the area;

10 (2) The difference in cost of maintenance, operation, repair and
11 replacement of the various parts of the systems;

12 (3) The different character of the service, facilities, and
13 programs furnished various customers;

14 (4) The quantity and quality of the sewage and/or water delivered
15 and the time of its delivery;

16 (5) Capital contributions made to the system or systems, including,
17 but not limited to, assessments;

18 (6) The cost of acquiring the system or portions of the system in
19 making system improvements necessary for the public health and safety;

20 (7) The nonprofit public benefit status, as defined in RCW
21 24.03.490, of the land user; and

22 (8) Any other matters which present a reasonable difference as a
23 ground for distinction.

24 A county may adjust or delay rates and charges and may provide
25 other assistance to aid low-income persons in participating in programs
26 and in complying with regulations imposed in connection with this
27 chapter.

28 The service charges and rates shall produce revenues sufficient to
29 take care of the costs of maintenance and operation, revenue bond and
30 warrant interest and principal amortization requirements, and all other
31 charges necessary for the efficient and proper operation of the system.

32 NEW SECTION. Sec. 12. A new section is added to chapter 35.58 RCW
33 to read as follows:

34 A metropolitan municipal corporation authorized to perform water
35 pollution abatement may exercise all the powers relating to systems of
36 sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for
37 counties.

1 NEW SECTION. Sec. 13. A new section is added to chapter 35.21 RCW
2 to read as follows:

3 The legislative authority of any city or town may exercise all the
4 powers relating to systems of sewerage authorized by RCW 35.67.010 and
5 35.67.020.

6 **Sec. 14.** A new section is added to chapter 53.08 RCW to read as
7 follows:

8 A port district may exercise all the powers relating to systems of
9 sewerage authorized by RCW 54.16.230 for public utility districts.

10 **Sec. 15.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each
11 amended to read as follows:

12 A public utility district may acquire, construct, operate,
13 maintain, and add to sewage systems, subject to and in compliance with
14 the county comprehensive plan, under the general powers of Title 54 RCW
15 or through the formation of local utility districts as provided in RCW
16 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any
17 sewage system works as authorized by this section, the voters of the
18 public utility district shall first approve by majority vote a
19 referendum proposition authorizing such district to exercise the powers
20 set forth in this section, which proposition shall be presented at a
21 general election. A sewage system may include any or all of the
22 following:

23 (1) Sanitary sewage collection, treatment, and/or disposal
24 facilities and programs, including without limitation on-site or off-
25 site sewerage facilities such as approved on-site sewage systems, on-
26 site sanitary sewerage systems, inspection programs and maintenance
27 programs for public or private on-site systems, or any other means of
28 sewage treatment and disposal;

29 (2) Water quality education and public involvement programs for the
30 protection of waters of the state, as defined under RCW 90.48.020, from
31 pollution. Such education programs are limited to those that are
32 directly related to the sewerage facilities and programs operated by a
33 public utility district;

34 (3) Point and nonpoint water pollution monitoring programs; and

35 (4) Public restroom and sanitary facilities.

36 Rates or charges imposed under this chapter for on-site inspection
37 and maintenance services shall reflect the allocable share of the cost

1 of providing the program or service to the person or entity paying the
2 charge, and may not be imposed on the development, construction, or
3 reconstruction of property.

4 A public utility district may adjust or delay rates and charges and
5 may provide other assistance to aid low-income persons in complying
6 with rules imposed in connection with this section.

7 Under this chapter, after January 1, 1997, any requirements for
8 pumping the septic tank of an on-site sewage system should be based,
9 among other things, on actual measurement of accumulation of sludge and
10 scum by a trained operator, trained owner's agent, or trained owner.
11 Training shall occur in a program approved by the state board of health
12 or by a local health officer.

13 Before adopting an on-site inspection and maintenance utility
14 program, or incorporating residences into an on-site inspection and
15 maintenance or sewer utility under this chapter, notification must be
16 provided, prior to the applicable public hearing, to all residences
17 within the proposed service area that have on-site systems permitted by
18 the local health officer. The notice must clearly state that the
19 residence is within the proposed service area and shall provide
20 information on estimated rates or charges that may be imposed for the
21 service.

22 **Sec. 16.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are
23 each reenacted and amended to read as follows:

24 A sewer district may acquire by purchase or by condemnation and
25 purchase all lands, property rights, water, and water rights, both
26 within and without the district, necessary for its purposes. A sewer
27 district may lease real or personal property necessary for its purposes
28 for a term of years for which such leased property may reasonably be
29 needed where in the opinion of the board of sewer commissioners such
30 property may not be needed permanently or substantial savings to the
31 district can be effected thereby. The right of eminent domain shall be
32 exercised in the same manner and by the same procedure as provided for
33 cities and towns, insofar as consistent with the provisions of this
34 title, except that all assessments or reassessment rolls required to
35 be filed by eminent domain commissioners or commissioners appointed by
36 the court shall be prepared and filed by the district, and the duties
37 devolving upon the city treasurer shall be imposed upon the county
38 treasurer for the purposes hereof. A sewer district may construct,

1 condemn and purchase, add to, maintain, and operate systems of sewers
2 for the purpose of furnishing the district and inhabitants thereof with
3 an adequate system of sewers for all uses and purposes, public and
4 private, including but not limited to on-site sewage disposal
5 facilities, approved septic tanks or approved septic tank systems, on-
6 site sanitary sewerage systems, inspection programs and maintenance
7 programs for private and public on-site systems, other facilities,
8 programs, and systems for the collection, interception, treatment, and
9 disposal of wastewater, and for the control of pollution from
10 wastewater and for the protection, preservation, and rehabilitation of
11 surface and underground waters, facilities for the drainage of storm or
12 surface waters, public highways, streets, and roads with full authority
13 to regulate the use, implementation, and operation thereof and the
14 service rates to be charged and may construct, acquire, or own
15 buildings and other necessary district facilities. A sewer district
16 may provide water quality education and public involvement programs for
17 protection of waters of the state, as defined under RCW 90.48.020, from
18 pollution. Such education programs are limited to those that are
19 directly related to the sewerage facilities and programs operated by a
20 sewer district. Under this chapter, after January 1, 1997, any
21 requirements for pumping the septic tank of an on-site sewage system
22 should be based, among other things, on actual measurement of
23 accumulation of sludge and scum by a trained operator, trained owner's
24 agent, or trained owner. Training shall occur in a program approved by
25 the state board of health or by a local health officer. Such sewage
26 facilities may include facilities which result in combined sewage
27 disposal, treatment, or drainage and electric generation, provided that
28 the electricity generated thereby is a byproduct of the system of
29 sewers. Such electricity may be used by the sewer district or sold to
30 any entity authorized by law to distribute electricity. Such
31 electricity is a byproduct when the electrical generation is
32 subordinate to the primary purpose of sewage disposal, treatment, or
33 drainage. For such purposes a district may conduct sewage throughout
34 the district and throughout other political subdivisions within the
35 district, and construct and lay sewer pipe along and upon public
36 highways, roads, and streets, within and without the district, and
37 condemn and purchase or acquire land and rights of way necessary for
38 such sewer pipe. A district may erect sewage treatment plants, within
39 or without the district, and may acquire by purchase or condemnation,

1 properties or privileges necessary to be had to protect any lakes,
2 rivers, or watercourses and also other areas of land from pollution,
3 from its sewers or its sewage treatment plant. For the purposes of
4 sewage facilities which include facilities which result in combined
5 sewage disposal, treatment, or drainage and electric generation where
6 the electric generation is a byproduct, nothing in this section may be
7 construed to authorize a district to condemn electric generating,
8 transmission, or distribution rights or facilities of entities
9 authorized by law to distribute electricity, or to acquire such rights
10 or facilities without the consent of the owner. A district may charge
11 property owners seeking to connect to the district system of sewers, as
12 a condition to granting the right to so connect, in addition to the
13 cost of such connection, such reasonable connection charge as the board
14 of commissioners shall determine to be proper in order that such
15 property owners shall bear their equitable share of the cost of such
16 system. For purposes of calculating a connection charge, the board of
17 commissioners shall determine the pro rata share of the cost of
18 existing facilities and facilities planned for construction within the
19 next ten years and contained in an adopted comprehensive plan and other
20 costs borne by the district which are directly attributable to the
21 improvements required by property owners seeking to connect to the
22 system. The cost of existing facilities shall not include those
23 portions of the system which have been donated or which have been paid
24 for by grants.

25 The connection charge may include interest charges applied from the
26 date of construction of the sewer system until the connection, or for
27 a period not to exceed ten years, whichever is shorter, at a rate
28 commensurate with the rate of interest applicable to the district at
29 the time of construction or major rehabilitation of the sewer system,
30 or at the time of installation of the sewer lines to which the property
31 owner is seeking to connect.

32 A district may permit payment of the cost of connection and the
33 reasonable connection charge to be paid with interest in installments
34 over a period not exceeding fifteen years. The county treasurer may
35 charge and collect a fee of three dollars per parcel for each year for
36 the treasurer's services. Such fees shall be a charge to be included
37 as part of each annual installment, and shall be credited to the county
38 current expense fund by the county treasurer. A district may compel
39 all property owners within the sewer district located within an area

1 served by the district system of sewers to connect their private drain
2 and sewer systems with the district system under such penalty as the
3 sewer commissioners shall prescribe by resolution. The district may
4 for such purpose enter upon private property and connect the private
5 drains or sewers with the district system and the cost thereof shall be
6 charged against the property owner and shall be a lien upon property
7 served.

8 Revenues from connection charges excluding permit fees are to be
9 considered payments in aid of construction as defined by department of
10 revenue rule. Rates or charges imposed under this chapter for on-site
11 inspection and maintenance services shall reflect the allocable share
12 of the cost of providing the program or service to the person or entity
13 paying the charge, and may not be imposed on the development,
14 construction, or reconstruction of property.

15 Before adopting an on-site inspection and maintenance utility
16 program, or incorporating residences into an on-site inspection and
17 maintenance or sewer utility under this chapter, notification shall be
18 provided, prior to the applicable public hearing, to all residences
19 within the proposed service area that have on-site systems permitted by
20 the local health officer. The notice shall clearly state that the
21 residence is within the proposed service area and shall provide
22 information on estimated rates or charges that may be imposed for the
23 service.

24 **Sec. 17.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each
25 amended to read as follows:

26 The sewer commissioners before ordering any improvements hereunder
27 or submitting to vote any proposition for incurring indebtedness shall
28 adopt a general comprehensive plan for a system of sewers for the
29 district. They shall investigate all portions and sections of the
30 district and select a general comprehensive plan for a system of sewers
31 for the district suitable and adequate for present and reasonably
32 foreseeable future needs thereof. The general comprehensive plan shall
33 provide for treatment plants and other methods and programs, if any,
34 for the prevention, control, and reduction of water pollution and for
35 the treatment and disposal of sewage and industrial and other liquid
36 wastes now produced or which may reasonably be expected to be produced
37 within the district and shall, for such portions of the district as may
38 then reasonably be served, provide for the acquisition or construction

1 and installation of laterals, trunk sewers, intercepting sewers,
2 syphons, pumping stations, or other sewage collection facilities. The
3 general comprehensive plan shall provide the method of distributing the
4 cost and expense of the sewer system and programs provided therein
5 against the district and against utility local improvement districts
6 within the district, including any utility local improvement district
7 lying wholly or partially within any other political subdivision
8 included in the district; and provide whether the whole or some part of
9 the cost and expenses shall be paid from sewer revenue bonds. The
10 commissioners may employ such engineering and legal services as they
11 deem necessary in carrying out the purposes hereof.

12 The general comprehensive plan shall be adopted by resolution and
13 submitted to an engineer designated by the legislative authority of the
14 county in which fifty-one percent or more of the area of the district
15 is located, and to the director of health of the county in which the
16 district or any portion thereof is located, and must be approved in
17 writing by the engineer and director of health. The general
18 comprehensive plan shall be approved, conditionally approved, or
19 rejected by the director of health within sixty days of the plan's
20 receipt and by the designated engineer within sixty days of the plan's
21 receipt. However, this sixty-day time limitation may be extended by
22 the director of health or engineer for up to an additional sixty days
23 if sufficient time is not available to review adequately the general
24 comprehensive plans.

25 Before becoming effective, the general comprehensive plan shall
26 also be submitted to, and approved by resolution of, the legislative
27 authority of every county within whose boundaries all or a portion of
28 the sewer district lies. The general comprehensive plan shall be
29 approved, conditionally approved, or rejected by each of these county
30 legislative authorities pursuant to the criteria in RCW 56.02.060 for
31 approving the formation, reorganization, annexation, consolidation, or
32 merger of sewer districts, and the resolution, ordinance, or motion of
33 the legislative body which rejects the comprehensive plan or a part
34 thereof shall specifically state in what particular the comprehensive
35 plan or part thereof rejected fails to meet these criteria. The
36 general comprehensive plan shall not provide for the extension or
37 location of facilities that are inconsistent with the requirements of
38 RCW 36.70A.110. Nothing in this chapter shall preclude a county from
39 rejecting a proposed plan because it is in conflict with the criteria

1 in RCW 56.02.060. Each general comprehensive plan shall be deemed
2 approved if the county legislative authority fails to reject or
3 conditionally approve the plan within ninety days of submission to the
4 county legislative authority or within thirty days of a hearing on the
5 plan when the hearing is held within ninety days of the plan's
6 submission to the county legislative authority. However, a county
7 legislative authority may extend this ninety-day time limitation by up
8 to an additional ninety days where a finding is made that ninety days
9 is insufficient to review adequately the general comprehensive plan.
10 In addition, the sewer commissioners and the county legislative
11 authority may mutually agree to an extension of the deadlines in this
12 section.

13 If the district includes portions or all of one or more cities or
14 towns, the general comprehensive plan shall be submitted also to, and
15 approved by resolution of, the governing body of such cities and towns
16 before becoming effective. The general comprehensive plan shall be
17 deemed approved by the city or town governing body if the city or town
18 governing body fails to reject or conditionally approve the plan within
19 ninety days of the plan's submission to the city or town or within
20 thirty days of a hearing on the plan when the hearing is held within
21 ninety days of submission to the county legislative authority.
22 However, a city or town governing body may extend this time limitation
23 by up to an additional ninety days where a finding is made that
24 insufficient time exists to adequately review the general comprehensive
25 plan within these time limitations. In addition, the sewer
26 commissioners and the city or town governing body may mutually agree to
27 an extension of the deadlines in this section.

28 Before becoming effective, any amendment to, alteration of, or
29 addition to, a general comprehensive plan shall also be subject to such
30 approval as if it were a new general comprehensive plan: PROVIDED,
31 That only if the amendment, alteration, or addition, affects a
32 particular city or town, shall the amendment, alteration, or addition
33 be subject to approval by such particular city or town governing body.

34 **Sec. 18.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to
35 read as follows:

36 The sewer commissioners of any sewer district, in the event that
37 such sewer revenue bonds are issued, shall provide for revenues by
38 fixing rates and charges for the furnishing of sewerage disposal

1 service, facilities, and programs to those to whom such service is
2 available. Such rates and charges may be combined for the furnishing
3 of more than one type of sewer service, facility, and program such as
4 but not limited to storm or surface water and sanitary. Such rates and
5 charges are to be fixed as deemed necessary by such sewer
6 commissioners, so that uniform charges will be made for the same class
7 of customer or service, facility, and program.

8 In classifying customers served or service, facility, or program
9 furnished by such system of sewerage, the board of commissioners may in
10 its discretion consider any or all of the following factors: The
11 difference in cost (~~of service~~) to the various customers; the
12 location of the various customers within and without the district; the
13 difference in cost of maintenance, operation, repair, and replacement
14 of the various parts of the system; the different character of the
15 service, facility, or program furnished various customers; the quantity
16 and quality of the sewage delivered and the time of its delivery; the
17 achievement of water conservation goals and the discouragement of
18 wasteful water use practices; capital contributions made to the system
19 including but not limited to assessments; and any other matters which
20 present a reasonable difference as a ground for distinction. Such
21 rates are to be made on a monthly basis and shall produce revenues
22 sufficient to take care of the costs of maintenance and operation,
23 revenue bond and warrant interest and principal amortization
24 requirements, and all other charges necessary for efficient and proper
25 operation of the system.

26 **Sec. 19.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read
27 as follows:

28 In addition to the powers now given water districts by law, they
29 shall also have power to establish, maintain and operate a mutual water
30 and (~~sewer~~) sewerage system or a separate (~~sewer~~) system of
31 sewerage within their water district area in the same manner as
32 provided by law for the doing thereof in connection with water supply
33 systems.

34 In addition thereto, a water district constructing, maintaining
35 (~~and~~), operating, and implementing a (~~sanitary sewer~~) system of
36 sewerage may exercise all the powers permitted to a sewer district
37 under Title 56 RCW, including, but not limited to, the right to compel
38 connections to the district's system, liens for delinquent sewer

1 connection charges or sewer service charges, and all other powers
2 presently exercised by or which may be hereafter granted to such sewer
3 districts: PROVIDED, That a water district may not exercise sewer
4 district powers in any area within its boundaries which is part of an
5 existing district which previously shall have been duly authorized to
6 exercise sewer district powers in such area without the consent by
7 resolution of the board of commissioners of such other district:
8 PROVIDED FURTHER, That no water district shall proceed to exercise the
9 powers herein granted to establish, maintain, construct and operate any
10 (~~sewer~~) system of sewerage without first obtaining written approval
11 and certification of necessity so to do from the department of ecology
12 and department of (~~social—and~~) health (~~services~~). Any
13 comprehensive plan for a system of sewers or addition thereto or
14 betterment thereof shall be approved by the same county and state
15 officials as are required to approve such plans adopted by a sewer
16 district.

17 A water district shall have the power to issue general obligation
18 bonds for sewer system purposes: PROVIDED, That a proposition to
19 authorize general obligation bonds payable from excess tax levies for
20 sewer system purposes pursuant to chapter 56.16 RCW shall be submitted
21 to all of the qualified voters within that part of the water district
22 which is not contained within another existing district duly authorized
23 to exercise sewer district powers, and the taxes to pay the principal
24 of and interest on the bonds approved by such voters shall be levied
25 only upon all of the taxable property within such part of the water
26 district.

27 **Sec. 20.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read
28 as follows:

29 (1) The county legislative authority may create a shellfish
30 protection district on its own motion or by submitting the question to
31 the voters of the proposed district and obtaining the approval of a
32 majority of those voting. The boundaries of the district shall be
33 determined by the legislative authority. The legislative authority may
34 create more than one district. A district may include any area or
35 areas within the county, whether incorporated or unincorporated.
36 Counties shall coordinate and cooperate with cities, towns, and water-
37 related special districts within their boundaries in establishing
38 shellfish protection districts and carrying out shellfish protection

1 programs. Where a portion of the proposed district lies within an
2 incorporated area, the county shall develop procedures for the
3 participation of the city or town in the determination of the
4 boundaries of the district and the administration of the district,
5 including funding of the district's programs. The legislative
6 authority of more than one county may by agreement provide for the
7 creation of a district including areas within each of those counties.
8 County legislative authorities are encouraged to coordinate their plans
9 and programs to protect shellfish growing areas, especially where
10 shellfish growing areas are located within the boundaries of more than
11 one county. The legislative authority or authorities creating a
12 district may abolish a shellfish protection district on its or their
13 own motion or by submitting the question to the voters of the district
14 and obtaining the approval of a majority of those voting.

15 (2) If the county legislative authority creates a shellfish
16 protection district by its own motion, any registered voter residing
17 within the boundaries of the shellfish protection district may file a
18 referendum petition to repeal the ordinance that created the district.
19 Any referendum petition to repeal the ordinance creating the shellfish
20 protection district shall be filed with the county auditor within seven
21 days of passage of the ordinance. Within ten days of the filing of a
22 petition, the county auditor shall confer with the petitioner
23 concerning form and style of the petition, issue an identification
24 number for the petition, and write a ballot title for the measure. The
25 ballot title shall be posed as a question so that an affirmative answer
26 to the question and an affirmative vote on the measure results in
27 creation of the shellfish protection district and a negative answer to
28 the question and a negative vote on the measure results in the
29 shellfish protection district not being created. The petitioner shall
30 be notified of the identification number and ballot title within this
31 ten-day period.

32 After this notification, the petitioner shall have thirty days in
33 which to secure on petition forms the signatures of not less than
34 twenty-five percent of the registered voters residing within the
35 boundaries of the shellfish protection district and file the signed
36 petitions with the county auditor. Each petition form shall contain
37 the ballot title and full text of the measure to be referred. The
38 county auditor shall verify the sufficiency of the signatures on the
39 petitions. If sufficient valid signatures are properly submitted, the

1 county auditor shall submit the referendum measure to the registered
2 voters residing in the shellfish protection district in a special
3 election no later than one hundred twenty days after the signed
4 petition has been filed with the county auditor. The special election
5 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

6 (3) The county legislative authority shall not impose fees, rates,
7 or charges for shellfish protection district programs upon properties
8 on which fees, rates, or charges are imposed (~~to pay for another~~
9 ~~program to eliminate or decrease contamination in storm water runoff~~)
10 under chapter 36.89 or 36.94 RCW for substantially the same programs
11 and services.

12 NEW SECTION. **Sec. 21.** Nothing in this act may be deemed to
13 eliminate any requirements for approval from public health agencies
14 under applicable law in connection with the siting, design,
15 construction, and repair of on-site septic systems."

16 **SHB 2248** - S COMM AMD
17 By Committee on Ecology & Parks

18
19 On page 1, beginning on line 1 of the title, after "disposal;"
20 strike the remainder of the title and insert "amending RCW 35.67.010,
21 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, 54.16.230,
22 56.08.020, 56.16.090, 57.08.065, and 90.72.040; reenacting and amending
23 RCW 56.08.010; adding a new section to chapter 70.05 RCW; adding new
24 sections to chapter 70.118 RCW; adding a new section to chapter 56.04
25 RCW; adding a new section to chapter 35.58 RCW; adding a new section to
26 chapter 35.21 RCW; adding a new section to chapter 53.08 RCW; and
27 creating new sections."

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