

2 SSB 5247 - S AMD - 196

3 By Senators Fraser, Heavey, Swecker and Spanel

4 ADOPTED 3/14/95

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

7 "NEW SECTION. **Sec. 1.** It is the purpose of this act to promote  
8 efficiency in delivering water quality programs and to assist local  
9 governments in promoting and achieving the prevention of water  
10 pollution through service-oriented utilities, in cooperation with the  
11 private sector.

12 **Sec. 2.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read  
13 as follows:

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

16 (1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment,  
17 and/or disposal facilities and programs, on-site or off-site sanitary  
18 sewerage facilities such as approved on-site sewage systems, on-site  
19 sanitary sewerage systems, inspection programs and maintenance programs  
20 for public or private on-site systems, or any other means of sewage  
21 treatment and disposal approved by the city;

22 (2) Combined sanitary sewage disposal and storm or surface water  
23 sewers;

24 (3) Storm or surface water (~~((sewers))~~) drains and facilities;

25 (4) Outfalls for storm drainage or sanitary sewage and works,  
26 plants, and facilities for storm drainage or sanitary sewage treatment  
27 and disposal, ((or)) and rights and interests in property relating to  
28 the system;

29 (5) Combined water and sewerage systems;

30 (6) Water quality education and public involvement programs for the  
31 protection of waters of the state as defined by RCW 90.48.020 from  
32 pollution; point and nonpoint water pollution monitoring programs; and  
33 agricultural, industrial, and commercial management practices education  
34 programs to prevent and reduce water pollution;

35 (7) Public restroom and sanitary facilities; and

36 (8) Any combination of or part of any or all of such facilities.

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

3       **Sec. 3.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read  
4 as follows:

5       Every city and town may construct, condemn and purchase, acquire,  
6 add to, implement, maintain, conduct, and operate systems of sewerage  
7 and systems and plants for refuse collection and disposal together with  
8 additions, extensions, and betterments thereto, within and without its  
9 limits, with full jurisdiction and authority to manage, regulate, and  
10 control them and to fix, alter, regulate, and control the rates and  
11 charges for the use thereof: PROVIDED, That the rates charged must be  
12 uniform for the same class of customers or service.

13       In classifying customers served or service, facilities, and  
14 programs furnished by such system of sewerage, the city or town  
15 legislative body may in its discretion consider any or all of the  
16 following factors: The difference in cost of service, facilities, and  
17 programs to the various customers; the location of the various  
18 customers within and without the city or town; the difference in cost  
19 of maintenance, operation, implementation, repair, and replacement of  
20 the various parts of the system; the different character of the  
21 service, facilities, and programs furnished various customers; the  
22 quantity and quality of the sewage delivered and the time of its  
23 delivery; the achievement of water conservation goals and the  
24 discouragement of wasteful water use practices; capital contributions  
25 made to the system, including but not limited to, assessments; and any  
26 other matters which present a reasonable difference as a ground for  
27 distinction. Rates or charges imposed under this chapter for on-site  
28 inspection and maintenance services shall reflect the allocable share  
29 of the cost of providing the program or service to the person or entity  
30 paying the charge, and may not be imposed on the development,  
31 construction, or reconstruction of property.

32       A city or town may adjust or delay rates and charges and may  
33 provide other assistance to aid low-income persons in participating in  
34 programs and in complying with regulations imposed in connection with  
35 this chapter.

36       Under this chapter, after January 1, 1997, any requirements for  
37 pumping the septic tank of an on-site sewage system should be based,  
38 among other things, on actual measurement of accumulation of sludge and

1 scum by a trained operator, trained owner's agent, or trained owner.  
2 Training shall occur in a program approved by the state board of health  
3 or by a local health officer.

4 Before adopting an on-site inspection and maintenance utility  
5 program, or incorporating residences into an on-site inspection and  
6 maintenance or sewer utility under this chapter, notification shall be  
7 provided, prior to the applicable public hearing, to all residences  
8 within the proposed service area that have on-site systems permitted by  
9 the local health officer. The notice shall clearly state that the  
10 residence is within the proposed service area and shall provide  
11 information on estimated rates or charges that may be imposed for the  
12 service.

13 **Sec. 4.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read  
14 as follows:

15 A city or town may construct, condemn and purchase, purchase,  
16 acquire, add to, alter, maintain, implement, and operate systems,  
17 plants, sites, or other facilities of sewerage as defined in RCW  
18 35.67.010, or solid waste handling as defined by RCW 70.95.030, and  
19 shall have full authority to manage, regulate, operate, control, and to  
20 fix the price of service, facility, or program of those systems,  
21 plants, sites, or other facilities within and without the limits of the  
22 city or town. The rates charged shall be uniform for the same class of  
23 customers or service, facility, or program. In classifying customers  
24 served or service, facilities, and programs furnished by a system or  
25 systems of sewerage, the legislative authority of the city or town may  
26 in its discretion consider any or all of the following factors: The  
27 difference in cost of service, facilities, and programs to customers;  
28 the location of customers within and without the city or town; the  
29 difference in cost of maintenance, operation, repair, and replacement  
30 of the parts of the system; the different character of the service,  
31 facilities, and programs furnished to customers; the quantity and  
32 quality of the sewage delivered and the time of its delivery; capital  
33 contributions made to the systems, plants, sites, or other facilities,  
34 including but not limited to, assessments; and any other factors that  
35 present a reasonable difference as a ground for distinction. Rates or  
36 charges imposed under this chapter for on-site inspection and  
37 maintenance services shall reflect the allocable share of the cost of  
38 providing the program or service to the person or entity paying the

1 charge, and may not be imposed on the development, construction, or  
2 reconstruction of property.

3 A city or town may adjust or delay rates and charges and may  
4 provide other assistance to aid low-income persons in participating in  
5 programs and in complying with regulations imposed in connection with  
6 this chapter.

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 shall 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 shall 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. 5.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read  
23 as follows:

24 As used in this chapter:

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

27 (a) Sanitary sewage collection, treatment, and/or disposal (~~(sewers~~  
28 and)) facilities and programs, including without limitation on-site or  
29 off-site sanitary sewerage facilities (~~(consisting of an)~~) such as  
30 approved septic tanks or septic tank systems, on-site sanitary sewerage  
31 systems, inspection programs and maintenance programs for private or  
32 public on-site systems, or any other means of sewage treatment and  
33 disposal approved by the county;

34 (b) Combined sanitary sewage disposal and storm or surface water  
35 drains and facilities;

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

37 (d) Outfalls for storm drainage or sanitary sewage and works,  
38 plants, and facilities for storm drainage or sanitary sewage treatment

1 and disposal, and rights and interests in property relating to the  
2 system;

3 (e) Combined water and sewerage systems;

4 (f) Facilities and programs for the protection of waters of the  
5 state as defined by RCW 90.48.020 from pollution, including but not  
6 limited to monitoring water quality; monitoring point and nonpoint  
7 sources of pollution; removing or reducing water pollution; water  
8 quality education and public involvement programs; and agricultural,  
9 industrial, and commercial management practices education programs to  
10 reduce water pollution;

11 (g) Public restroom and sanitary facilities;

12 (h) The facilities and programs authorized in RCW 36.94.020; and

13 (i) Any combination of or part of any or all of such facilities.

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

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

18 (b) A combined water and sewerage system;

19 (c) Any combination of or any part of any or all of such  
20 facilities.

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

26 (a) A sewerage general plan shall include the general location and  
27 description of treatment and disposal facilities, trunk and interceptor  
28 sewers, pumping stations, monitoring and control facilities, channels,  
29 local service areas and a general description of the collection system  
30 to serve those areas, a description of on-site sanitary sewerage system  
31 inspection programs and maintenance programs, and other facilities and  
32 programs as may be required to provide a functional and implementable  
33 plan, including preliminary engineering to assure feasibility. The  
34 plan may also include a description of the regulations deemed  
35 appropriate to carrying out surface drainage plans.

36 (b) A water general plan shall include the general location and  
37 description of water resources to be utilized, wells, treatment  
38 facilities, transmission lines, storage reservoirs, pumping stations,  
39 and monitoring and control facilities as may be required to provide a

1 functional and implementable plan.

2 (c) Water and/or sewerage general plans shall include preliminary  
3 engineering in adequate detail to assure technical feasibility and, to  
4 the extent then known, shall further discuss the methods of  
5 distributing the cost and expense of the system and shall indicate the  
6 economic feasibility of plan implementation. The plans may also  
7 specify local or lateral facilities and programs. The sewerage and/or  
8 water general plan does not mean the final engineering construction or  
9 financing plans for the system.

10 (4) "Municipal corporation" means and includes any city, town,  
11 metropolitan municipal corporation, any public utility district which  
12 operates and maintains a sewer or water system, any sewer, water,  
13 diking, or drainage district, any diking, drainage, and sewerage  
14 improvement district, and any irrigation district.

15 (5) A "private utility" means and includes all utilities, both  
16 public and private, which provide sewerage and/or water service and  
17 which are not municipal corporations within the definition of this  
18 chapter. The ownership of a private utility may be in a corporation,  
19 nonprofit or for profit, in a cooperative association, in a mutual  
20 organization, or in individuals.

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

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

25 The construction, implementation, operation, and maintenance of a  
26 system of sewerage and/or water is a county purpose. Subject to the  
27 provisions of this chapter, every county has the power, individually or  
28 in conjunction with another county or counties to adopt, provide for,  
29 accept, establish, implement, condemn, purchase, construct, add to,  
30 operate, and maintain a system or systems of sanitary and storm sewers,  
31 including outfalls, interceptors, plans, and facilities and programs  
32 necessary for sewerage treatment and disposal, and/or system or systems  
33 of water supply within all or a portion of the county: PROVIDED, That  
34 counties shall not have power to condemn sewerage and/or water systems  
35 of any municipal corporation or private utility.

36 Such county or counties shall have the authority to control,  
37 regulate, implement, operate, and manage such system or systems and to  
38 provide funds therefor by general obligation bonds, revenue bonds,

1 local improvement district bonds, utility local improvement district or  
2 local improvement district assessments, and in any other lawful fiscal  
3 manner. Rates or charges imposed under this chapter for on-site  
4 inspection and maintenance services shall reflect the allocable share  
5 of the cost of providing the program or service to the person or entity  
6 paying the charge, and may not be imposed on the development,  
7 construction, or reconstruction of property.

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

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

23 A county may, as part of a system of sewerage established under  
24 this chapter, provide for, finance, and operate any of the facilities  
25 and programs and may exercise the powers expressly authorized for  
26 county storm water, flood control, pollution prevention, and drainage  
27 programs and activities under chapters 36.89, 86.12, 86.13, and 86.15  
28 RCW. A county also may provide for, finance, and operate the  
29 facilities and programs and may exercise any of the powers authorized  
30 for aquifer protection areas under chapter 36.36 RCW; for lake  
31 management districts under chapter 36.61 RCW; for diking districts, and  
32 diking, drainage, and sewerage improvement districts under chapters  
33 85.05, 85.08, 85.15, 85,16, and 85.18 RCW; and for shellfish protection  
34 districts under chapter 90.72 RCW. However, if a county by reference  
35 to any of those statutes assumes as part of its system of sewerage any  
36 powers granted to such areas or districts and not otherwise available  
37 to a county under this chapter, then (1) the procedures and  
38 restrictions applicable to those areas or districts shall apply to the  
39 county's exercise of those powers, and (2) the county may not

1 simultaneously impose rates and charges under this chapter and under  
2 the statutes authorizing such areas or districts for substantially the  
3 same programs and services, but must instead impose uniform rates and  
4 charges consistent with RCW 36.94.140. By agreement with such an area  
5 or district that is not part of a county's system of sewerage, a county  
6 may operate that area's or district's programs or facilities, but a  
7 county may not dissolve any existing area or district except in  
8 accordance with any applicable provisions of the statute under which  
9 that area or district was created.

10 **Sec. 7.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read  
11 as follows:

12 Every county, in the implementation and operation of a system of  
13 sewerage and/or water, shall have full jurisdiction and authority to  
14 manage, regulate and control it and to fix, alter, regulate and control  
15 the rates and charges for the service, facilities, and programs to  
16 those to whom such ((county)) service ((is)), facilities, and programs  
17 are available, and to levy charges for connection to such system. The  
18 rates for availability of service, facilities, programs, and connection  
19 charges so charged must be uniform for the same class of customers or  
20 service, facility, or program.

21 In classifying customers served, service furnished or made  
22 available by such system of sewerage and/or water, or the connection  
23 charges, the board may consider any or all of the following factors:

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

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

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

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

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

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

37 (7) Any other matters which present a reasonable difference as a  
38 ground for distinction.



1 A county may adjust or delay rates and charges and may provide  
2 other assistance to aid low-income persons in participating in programs  
3 and in complying with regulations imposed in connection with this  
4 chapter.

5 Such rates shall produce revenues sufficient to take care of the  
6 costs of maintenance and operation, revenue bond and warrant interest  
7 and principal amortization requirements, and all other charges  
8 necessary for the efficient and proper operation of the system.

9 **Sec. 8.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended  
10 to read as follows:

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

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

28 (2) Facilities and programs for the protection of waters of the  
29 state as defined by RCW 90.48.020 from pollution, including but not  
30 limited to monitoring water quality; monitoring point and nonpoint  
31 sources of pollution; preventing, removing, or reducing water  
32 pollution; water quality education and public involvement programs; and  
33 agricultural, industrial, and commercial management practices education  
34 programs to reduce water pollution; and

35 (3) 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  
38 of providing the program or service to the person or entity paying the

1 charge, and may not be imposed on the development, construction, or  
2 reconstruction of property.

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

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

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

21 **Sec. 9.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are  
22 each reenacted and amended to read as follows:

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

1 for the purpose of furnishing the district and inhabitants thereof with  
2 an adequate system of sewers for all uses and purposes, public and  
3 private, including but not limited to on-site sewage disposal  
4 facilities, approved septic tanks or approved septic tank systems, on-  
5 site sanitary sewerage systems, inspection programs and maintenance  
6 programs for private and public on-site systems, other facilities,  
7 programs, and systems for the collection, interception, treatment, and  
8 disposal of wastewater, and for the control of pollution from  
9 wastewater and for the protection, preservation, and rehabilitation of  
10 surface and underground waters, facilities for the drainage of storm or  
11 surface waters, public highways, streets, and roads with full authority  
12 to regulate the use, implementation, and operation thereof and the  
13 service rates to be charged and may construct, acquire, or own  
14 buildings and other necessary district facilities. Under this chapter,  
15 after January 1, 1997, any requirements for pumping the septic tank of  
16 an on-site sewage system should be based, among other things, on actual  
17 measurement of accumulation of sludge and scum by a trained operator,  
18 trained owner's agent, or trained owner. Training shall occur in a  
19 program approved by the state board of health or by a local health  
20 officer. Such sewage facilities may include facilities which result in  
21 combined sewage disposal, treatment, or drainage and electric  
22 generation, provided that the electricity generated thereby is a  
23 byproduct of the system of sewers. Such electricity may be used by the  
24 sewer district or sold to any entity authorized by law to distribute  
25 electricity. Such electricity is a byproduct when the electrical  
26 generation is subordinate to the primary purpose of sewage disposal,  
27 treatment, or drainage. For such purposes a district may conduct  
28 sewage throughout the district and throughout other political  
29 subdivisions within the district, and construct and lay sewer pipe  
30 along and upon public highways, roads, and streets, within and without  
31 the district, and condemn and purchase or acquire land and rights of  
32 way necessary for such sewer pipe. A district may erect sewage  
33 treatment plants, within or without the district, and may acquire by  
34 purchase or condemnation, properties or privileges necessary to be had  
35 to protect any lakes, rivers, or watercourses and also other areas of  
36 land from pollution, from its sewers or its sewage treatment plant.  
37 For the purposes of sewage facilities which include facilities which  
38 result in combined sewage disposal, treatment, or drainage and electric  
39 generation where the electric generation is a byproduct, nothing in

1 this section may be construed to authorize a district to condemn  
2 electric generating, transmission, or distribution rights or facilities  
3 of entities authorized by law to distribute electricity, or to acquire  
4 such rights or facilities without the consent of the owner. A district  
5 may charge property owners seeking to connect to the district system of  
6 sewers, as a condition to granting the right to so connect, in addition  
7 to the cost of such connection, such reasonable connection charge as  
8 the board of commissioners shall determine to be proper in order that  
9 such property owners shall bear their equitable share of the cost of  
10 such system. For purposes of calculating a connection charge, the  
11 board of commissioners shall determine the pro rata share of the cost  
12 of existing facilities and facilities planned for construction within  
13 the next ten years and contained in an adopted comprehensive plan and  
14 other costs borne by the district which are directly attributable to  
15 the improvements required by property owners seeking to connect to the  
16 system. The cost of existing facilities shall not include those  
17 portions of the system which have been donated or which have been paid  
18 for by grants.

19 The connection charge may include interest charges applied from the  
20 date of construction of the sewer system until the connection, or for  
21 a period not to exceed ten years, whichever is shorter, at a rate  
22 commensurate with the rate of interest applicable to the district at  
23 the time of construction or major rehabilitation of the sewer system,  
24 or at the time of installation of the sewer lines to which the property  
25 owner is seeking to connect.

26 A district may permit payment of the cost of connection and the  
27 reasonable connection charge to be paid with interest in installments  
28 over a period not exceeding fifteen years. The county treasurer may  
29 charge and collect a fee of three dollars per parcel for each year for  
30 the treasurer's services. Such fees shall be a charge to be included  
31 as part of each annual installment, and shall be credited to the county  
32 current expense fund by the county treasurer. A district may compel  
33 all property owners within the sewer district located within an area  
34 served by the district system of sewers to connect their private drain  
35 and sewer systems with the district system under such penalty as the  
36 sewer commissioners shall prescribe by resolution. The district may  
37 for such purpose enter upon private property and connect the private  
38 drains or sewers with the district system and the cost thereof shall be  
39 charged against the property owner and shall be a lien upon property

1 served.

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

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

18 **Sec. 10.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each  
19 amended to read as follows:

20 The sewer commissioners before ordering any improvements hereunder  
21 or submitting to vote any proposition for incurring indebtedness shall  
22 adopt a general comprehensive plan for a system of sewers for the  
23 district. They shall investigate all portions and sections of the  
24 district and select a general comprehensive plan for a system of sewers  
25 for the district suitable and adequate for present and reasonably  
26 foreseeable future needs thereof. The general comprehensive plan shall  
27 provide for treatment plants and other methods and programs, if any,  
28 for the prevention, control, and reduction of water pollution and for  
29 the treatment and disposal of sewage and industrial and other liquid  
30 wastes now produced or which may reasonably be expected to be produced  
31 within the district and shall, for such portions of the district as may  
32 then reasonably be served, provide for the acquisition or construction  
33 and installation of laterals, trunk sewers, intercepting sewers,  
34 syphons, pumping stations, or other sewage collection facilities. The  
35 general comprehensive plan shall provide the method of distributing the  
36 cost and expense of the sewer system and programs provided therein  
37 against the district and against utility local improvement districts  
38 within the district, including any utility local improvement district

1 lying wholly or partially within any other political subdivision  
2 included in the district; and provide whether the whole or some part of  
3 the cost and expenses shall be paid from sewer revenue bonds. The  
4 commissioners may employ such engineering and legal services as they  
5 deem necessary in carrying out the purposes hereof.

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

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

1 legislative authority may extend this ninety-day time limitation by up  
2 to an additional ninety days where a finding is made that ninety days  
3 is insufficient to review adequately the general comprehensive plan.  
4 In addition, the sewer commissioners and the county legislative  
5 authority may mutually agree to an extension of the deadlines in this  
6 section.

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

22 Before becoming effective, any amendment to, alteration of, or  
23 addition to, a general comprehensive plan shall also be subject to such  
24 approval as if it were a new general comprehensive plan: PROVIDED,  
25 That only if the amendment, alteration, or addition, affects a  
26 particular city or town, shall the amendment, alteration, or addition  
27 be subject to approval by such particular city or town governing body.

28 **Sec. 11.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to  
29 read as follows:

30 The sewer commissioners of any sewer district, in the event that  
31 such sewer revenue bonds are issued, shall provide for revenues by  
32 fixing rates and charges for the furnishing of sewerage disposal  
33 service, facilities, and programs to those to whom such service is  
34 available. Such rates and charges may be combined for the furnishing  
35 of more than one type of sewer service, facility, and program such as  
36 but not limited to storm or surface water and sanitary. Such rates and  
37 charges are to be fixed as deemed necessary by such sewer  
38 commissioners, so that uniform charges will be made for the same class

1 of customer or service, facility, and program.

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

20 **Sec. 12.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read  
21 as follows:

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

28 In addition thereto, a water district constructing, maintaining  
29 ((~~and~~)), operating, and implementing a ((~~sanitary sewer~~)) system of  
30 sewerage may exercise all the powers permitted to a sewer district  
31 under Title 56 RCW, including, but not limited to, the right to compel  
32 connections to the district's system, liens for delinquent sewer  
33 connection charges or sewer service charges, and all other powers  
34 presently exercised by or which may be hereafter granted to such sewer  
35 districts: PROVIDED, That a water district may not exercise sewer  
36 district powers in any area within its boundaries which is part of an  
37 existing district which previously shall have been duly authorized to  
38 exercise sewer district powers in such area without the consent by



1 resolution of the board of commissioners of such other district:  
2 PROVIDED FURTHER, That no water district shall proceed to exercise the  
3 powers herein granted to establish, maintain, construct and operate any  
4 (~~sewer~~) system of sewerage without first obtaining written approval  
5 and certification of necessity so to do from the department of ecology  
6 and department of (~~social—and~~) health (~~services~~). Any  
7 comprehensive plan for a system of sewers or addition thereto or  
8 betterment thereof shall be approved by the same county and state  
9 officials as are required to approve such plans adopted by a sewer  
10 district.

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

21 **Sec. 13.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read  
22 as follows:

23 (1) The county legislative authority may create a shellfish  
24 protection district on its own motion or by submitting the question to  
25 the voters of the proposed district and obtaining the approval of a  
26 majority of those voting. The boundaries of the district shall be  
27 determined by the legislative authority. The legislative authority may  
28 create more than one district. A district may include any area or  
29 areas within the county, whether incorporated or unincorporated.  
30 Counties shall coordinate and cooperate with cities, towns, and water-  
31 related special districts within their boundaries in establishing  
32 shellfish protection districts and carrying out shellfish protection  
33 programs. Where a portion of the proposed district lies within an  
34 incorporated area, the county shall develop procedures for the  
35 participation of the city or town in the determination of the  
36 boundaries of the district and the administration of the district,  
37 including funding of the district's programs. The legislative  
38 authority of more than one county may by agreement provide for the

1 creation of a district including areas within each of those counties.  
2 County legislative authorities are encouraged to coordinate their plans  
3 and programs to protect shellfish growing areas, especially where  
4 shellfish growing areas are located within the boundaries of more than  
5 one county. The legislative authority or authorities creating a  
6 district may abolish a shellfish protection district on its or their  
7 own motion or by submitting the question to the voters of the district  
8 and obtaining the approval of a majority of those voting.

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

26 After this notification, the petitioner shall have thirty days in  
27 which to secure on petition forms the signatures of not less than  
28 twenty-five percent of the registered voters residing within the  
29 boundaries of the shellfish protection district and file the signed  
30 petitions with the county auditor. Each petition form shall contain  
31 the ballot title and full text of the measure to be referred. The  
32 county auditor shall verify the sufficiency of the signatures on the  
33 petitions. If sufficient valid signatures are properly submitted, the  
34 county auditor shall submit the referendum measure to the registered  
35 voters residing in the shellfish protection district in a special  
36 election no later than one hundred twenty days after the signed  
37 petition has been filed with the county auditor. The special election  
38 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

39 (3) The county legislative authority shall not impose fees, rates,

1 or charges for shellfish protection district programs upon properties  
2 on which fees, rates, or charges are imposed (~~(to pay for another~~  
3 ~~program to eliminate or decrease contamination in storm water runoff)~~)  
4 under chapter 36.89 or 36.94 RCW for substantially the same programs  
5 and services.

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

10 NEW SECTION. **Sec. 15.** Section 8 of this act shall take effect  
11 January 1, 1996."

12 **SSB 5247** - S AMD

13 By Senators Fraser, Heavey, Swecker and Spanel

14 ADOPTED 3/14/95

15 On page 1, line 2 of the title, after "sewerage;" strike the  
16 remainder of the title and insert "amending RCW 35.67.010, 35.67.020,  
17 35.92.020, 36.94.010, 36.94.020, 36.94.140, 54.16.230, 56.08.020,  
18 56.16.090, 57.08.065, and 90.72.040; reenacting and amending RCW  
19 56.08.010; creating new sections; and providing an effective date."

--- END ---