

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5838**

Chapter 447, Laws of 1997

55th Legislature  
1997 Regular Session

ON-SITE SEWAGE DISPOSAL SYSTEMS--ALTERNATIVE FORMATION OF WATER-  
SEWER DISTRICTS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 19, 1997  
YEAS 46 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 14, 1997  
YEAS 89 NAYS 8

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 20, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5838** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

May 20, 1997 - 4:30 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5838**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Morton and Winsley)

Read first time 02/28/97.

1            AN ACT Relating to sewage disposal; amending RCW 35.67.010,  
2 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, 57.08.005,  
3 57.08.065, 57.16.010, 57.08.081, and 90.72.040; adding a new section to  
4 chapter 70.05 RCW; adding new sections to chapter 70.118 RCW; adding a  
5 new section to chapter 57.04 RCW; adding a new section to chapter 35.58  
6 RCW; adding a new section to chapter 35.21 RCW; adding a new section to  
7 chapter 53.08; and creating new sections.

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

9            NEW SECTION.    **Sec. 1.**    The legislature finds that improperly  
10 designed, installed, or maintained on-site sewage disposal systems are  
11 a major contributor to water pollution in this state. The legislature  
12 also recognizes that evolving technology has produced many viable  
13 alternatives to traditional on-site septic systems. It is the purpose  
14 of this act to help facilitate the siting of new alternative on-site  
15 septic systems and to assist local governments in promoting efficient  
16 operation of on-site septic these systems.

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

1 (1) The local health officer must respond to the applicant for an  
2 on-site sewage system permit within thirty days after receiving a fully  
3 completed application. The local health officer must respond that the  
4 application is either approved, denied, or pending.

5 (2) If the local health officer denies an application to install an  
6 on-site sewage system, the denial must be for cause and based upon  
7 public health and environmental protection concerns, including concerns  
8 regarding the ability to operate and maintain the system, or conflicts  
9 with other existing laws, regulations, or ordinances. The local health  
10 officer must provide the applicant with a written justification for the  
11 denial, along with an explanation of the procedure for appeal.

12 (3) If the local health officer identifies the application as  
13 pending and subject to review beyond thirty days, the local health  
14 officer must provide the applicant with a written justification that  
15 the site-specific conditions or circumstances necessitate a longer time  
16 period for a decision on the application. The local health officer  
17 must include any specific information necessary to make a decision and  
18 the estimated time required for a decision to be made.

19 (4) A local health officer may not limit the number of alternative  
20 sewage systems within his or her jurisdiction without cause. Any such  
21 limitation must be based upon public health and environmental  
22 protection concerns, including concerns regarding the ability to  
23 operate and maintain the system, or conflicts with other existing laws,  
24 regulations, or ordinances. If such a limitation is established, the  
25 local health officer must justify the limitation in writing, with  
26 specific reasons, and must provide an explanation of the procedure for  
27 appealing the limitation.

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

30 The department of health must include one person who is familiar  
31 with the operation and maintenance of certified proprietary devices on  
32 the technical review committee responsible for evaluating and making  
33 recommendations to the department of health regarding the general use  
34 of alternative on-site sewage systems in the state.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 57.04 RCW  
36 to read as follows:

1 (1) As an alternative means to forming a water-sewer district, a  
2 county legislative authority may authorize the formation of a water-  
3 sewer district to serve a new development that at the time of formation  
4 does not have any residents, at written request of sixty percent of the  
5 owners of the area to be included in the proposed district. The county  
6 legislative authority shall review the proposed district according to  
7 the procedures and criteria in RCW 57.02.040.

8 (2) The county legislative authority shall appoint the initial  
9 water-sewer commissioners of the district. The commissioners shall  
10 serve until seventy-five percent of the development is sold and  
11 occupied, or until some other time as specified by the county  
12 legislative authority when the district is approved. Commissioners  
13 serving under this section are not entitled to any form of compensation  
14 from the district.

15 (3) New commissioners shall be elected according to the procedures  
16 in chapter 57.12 RCW at the next election held under RCW 29.13.010 that  
17 follows more than ninety days after the date seventy-five percent of  
18 the development is sold and occupied, or after the time specified by  
19 the county legislative authority when the district is approved.

20 (4) A water-sewer district created under this section may be  
21 transferred to a city or county, or dissolved if the district is  
22 inactive, by order of the county legislative authority at the written  
23 request of sixty percent of the owners of the area included in the  
24 district.

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

27 In order to assure that technical guidelines and standards keep  
28 pace with advancing technologies, the department of health in  
29 collaboration with the technical review committee, local health  
30 departments, and other interested parties, must review and update as  
31 appropriate, the state guidelines and standards for alternative on-site  
32 sewage disposal every three years. The first review and update must be  
33 completed by January 1, 1999.

34 NEW SECTION. **Sec. 6.** Nothing in sections 2 through 4 of this act  
35 may be deemed to eliminate any requirements for approval from public  
36 health agencies under applicable law in connection with the siting,  
37 design, construction, and repair of on-site septic systems.

1       **Sec. 7.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read  
2 as follows:

3       A "system of sewerage" means and may include~~((s))~~ any or all of the  
4 following:

5       (1) Sanitary sewage ~~((disposal sewers))~~ collection, treatment,  
6 and/or disposal facilities and services, on-site or off-site sanitary  
7 sewerage facilities, inspection services and maintenance services for  
8 public or private on-site systems, or any other means of sewage  
9 treatment and disposal approved by the city;

10       (2) Combined sanitary sewage disposal and storm or surface water  
11 sewers;

12       (3) Storm or surface water sewers;

13       (4) Outfalls for storm drainage or sanitary sewage and works,  
14 plants, and facilities for storm drainage or sanitary sewage treatment  
15 and disposal, ((or)) and rights and interests in property relating to  
16 the system;

17       (5) Combined water and sewerage systems;

18       (6) Point and nonpoint water pollution monitoring programs that are  
19 directly related to the sewerage facilities and programs operated by a  
20 city or town;

21       (7) Public restroom and sanitary facilities; and

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

23       The words "public utility" when used in this chapter ~~((shall have))~~  
24 has the same meaning as the words "system of sewerage."

25       **Sec. 8.** RCW 35.67.020 and 1995 c 124 s 3 are each amended to read  
26 as follows:

27       Every city and town may construct, condemn and purchase, acquire,  
28 add to, maintain, conduct, and operate systems of sewerage and systems  
29 and plants for refuse collection and disposal together with additions,  
30 extensions, and betterments thereto, within and without its limits,  
31 with full jurisdiction and authority to manage, regulate, and control  
32 them and to fix, alter, regulate, and control the rates and charges for  
33 their use. The rates charged must be uniform for the same class of  
34 customers or service and facilities furnished.

35       In classifying customers served or service and facilities furnished  
36 by such system of sewerage, the city or town legislative body may in  
37 its discretion consider any or all of the following factors: (1) The

1 difference in cost of service and facilities to the various customers;  
2 (2) the location of the various customers within and without the city  
3 or town; (3) the difference in cost of maintenance, operation, repair,  
4 and replacement of the various parts of the system; (4) the different  
5 character of the service and facilities furnished various customers;  
6 (5) the quantity and quality of the sewage delivered and the time of  
7 its delivery; (6) the achievement of water conservation goals and the  
8 discouragement of wasteful water use practices; (7) capital  
9 contributions made to the system, including but not limited to,  
10 assessments; (8) the nonprofit public benefit status, as defined in RCW  
11 24.03.490, of the land user; and (9) any other matters which present a  
12 reasonable difference as a ground for distinction. Rates or charges  
13 for on-site inspection and maintenance services may not be imposed  
14 under this chapter on the development, construction, or reconstruction  
15 of property.

16 A city or town may provide assistance to aid low-income persons in  
17 connection with services provided under this chapter.

18 Under this chapter, after July 1, 1998, any requirements for  
19 pumping the septic tank of an on-site sewage system should be based,  
20 among other things, on actual measurement of accumulation of sludge and  
21 scum by a trained inspector, trained owner's agent, or trained owner.  
22 Training must occur in a program approved by the state board of health  
23 or by a local health officer.

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

33 A city or town shall not provide on-site sewage system inspection,  
34 pumping services, or other maintenance or repair services under this  
35 section using city or town employees unless the on-site system is  
36 connected by a publicly owned collection system to the city or town's  
37 sewerage system, and the on-site system represents the first step in  
38 the sewage disposal process. Nothing in this section shall affect the

1 authority of state or local health officers to carry out their  
2 responsibilities under any other applicable law.

3       **Sec. 9.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read  
4 as follows:

5       A city or town may construct, condemn and purchase, purchase,  
6 acquire, add to, alter, maintain, and operate systems, plants, sites,  
7 or other facilities of sewerage as defined in RCW 35.67.010, or solid  
8 waste handling as defined by RCW 70.95.030, and shall have full  
9 authority to manage, regulate, operate, control, and to fix the price  
10 of service and facilities of those systems, plants, sites, or other  
11 facilities within and without the limits of the city or town. The  
12 rates charged shall be uniform for the same class of customers or  
13 service and facilities. In classifying customers served or service  
14 and facilities furnished by a system or systems of sewerage, the  
15 legislative authority of the city or town may in its discretion  
16 consider any or all of the following factors: (1) The difference in  
17 cost of service and facilities to customers; (2) the location of  
18 customers within and without the city or town; (3) the difference in  
19 cost of maintenance, operation, repair, and replacement of the parts of  
20 the system; (4) the different character of the service and facilities  
21 furnished to customers; (5) the quantity and quality of the sewage  
22 delivered and the time of its delivery; (6) capital contributions made  
23 to the systems, plants, sites, or other facilities, including but not  
24 limited to, assessments; (7) the nonprofit public benefit status, as  
25 defined in RCW 24.03.490, of the land user; and (8) any other factors  
26 that present a reasonable difference as a ground for distinction.  
27 Rates or charges for on-site inspection and maintenance services may  
28 not be imposed under this chapter on the development, construction, or  
29 reconstruction of property.

30       A city or town may provide assistance to aid low-income persons in  
31 connection with services provided under this chapter.

32       Under this chapter, after July 1, 1998, any requirements for  
33 pumping the septic tank of an on-site sewage system should be based,  
34 among other things, on actual measurement of accumulation of sludge and  
35 scum by a trained inspector, trained owner's agent, or trained owner.  
36 Training must occur in a program approved by the state board of health  
37 or by a local health officer.

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

10 A city or town shall not provide on-site sewage system inspection,  
11 pumping services, or other maintenance or repair services under this  
12 section using city or town employees unless the on-site system is  
13 connected by a publicly owned collection system to the city or town's  
14 sewerage system, and the on-site system represents the first step in  
15 the sewage disposal process. Nothing in this section shall affect the  
16 authority of state or local health officers to carry out their  
17 responsibilities under any other applicable law.

18 **Sec. 10.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to  
19 read as follows:

20 As used in this chapter:

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

23 (a) Sanitary sewage collection, treatment, and/or disposal (~~(sewers~~  
24 and)) facilities and services, including without limitation on-site or  
25 off-site sanitary sewerage facilities (~~(consisting of an approved~~  
26 septic tank or septic tank systems)), inspection services and  
27 maintenance services for private or public on-site systems, or any  
28 other means of sewage treatment and disposal approved by the county;

29 (b) Combined sanitary sewage disposal and storm or surface water  
30 drains and facilities;

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

32 (d) Outfalls for storm drainage or sanitary sewage and works,  
33 plants, and facilities for storm drainage or sanitary sewage treatment  
34 and disposal, and rights and interests in property relating to the  
35 system;

36 (e) Combined water and sewerage systems;



1 (f) Point and nonpoint water pollution monitoring programs that are  
2 directly related to the sewerage facilities and programs operated by a  
3 county;

4 (g) Public restroom and sanitary facilities;

5 (h) The facilities and services authorized in RCW 36.94.020; and

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

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

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

11 (b) A combined water and sewerage system;

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

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

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

29 (b) A water general plan shall include the general location and  
30 description of water resources to be utilized, wells, treatment  
31 facilities, transmission lines, storage reservoirs, pumping stations,  
32 and monitoring and control facilities as may be required to provide a  
33 functional and implementable plan.

34 (c) Water and/or sewerage general plans shall include preliminary  
35 engineering in adequate detail to assure technical feasibility and, to  
36 the extent then known, shall further discuss the methods of  
37 distributing the cost and expense of the system and shall indicate the  
38 economic feasibility of plan implementation. The plans may also  
39 specify local or lateral facilities and services. The sewerage and/or

1 water general plan does not mean the final engineering construction or  
2 financing plans for the system.

3 (4) "Municipal corporation" means and includes any city, town,  
4 metropolitan municipal corporation, any public utility district which  
5 operates and maintains a sewer or water system, any sewer, water,  
6 diking, or drainage district, any diking, drainage, and sewerage  
7 improvement district, and any irrigation district.

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

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

16 **Sec. 11.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read  
17 as follows:

18 The construction, operation, and maintenance of a system of  
19 sewerage and/or water is a county purpose. Subject to the provisions  
20 of this chapter, every county has the power, individually or in  
21 conjunction with another county or counties to adopt, provide for,  
22 accept, establish, condemn, purchase, construct, add to, operate, and  
23 maintain a system or systems of sanitary and storm sewers, including  
24 outfalls, interceptors, plans, and facilities and services necessary  
25 for sewerage treatment and disposal, and/or system or systems of water  
26 supply within all or a portion of the county(~~(:—PROVIDED, That))~~).  
27 However, counties shall not have power to condemn sewerage and/or water  
28 systems of any municipal corporation or private utility.

29 Such county or counties shall have the authority to control,  
30 regulate, operate, and manage such system or systems and to provide  
31 funds therefor by general obligation bonds, revenue bonds, local  
32 improvement district bonds, utility local improvement district or local  
33 improvement district assessments, and in any other lawful fiscal  
34 manner. Rates or charges for on-site inspection and maintenance  
35 services may not be imposed under this chapter on the development,  
36 construction, or reconstruction of property.

37 Under this chapter, after July 1, 1998, any requirements for  
38 pumping the septic tank of an on-site sewage system should be based,

1 among other things, on actual measurement of accumulation of sludge and  
2 scum by a trained inspector, trained owner's agent, or trained owner.  
3 Training must occur in a program approved by the state board of health  
4 or by a local health officer.

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

14 A county shall not provide on-site sewage system inspection,  
15 pumping services, or other maintenance or repair services under this  
16 section using county employees unless the on-site system is connected  
17 by a publicly owned collection system to the county's sewerage system,  
18 and the on-site system represents the first step in the sewage disposal  
19 process. Nothing in this section shall affect the authority of a state  
20 or local health officer to carry out their responsibilities under any  
21 other applicable law.

22 A county may, as part of a system of sewerage established under  
23 this chapter, provide for, finance, and operate any of the facilities  
24 and services and may exercise the powers expressly authorized for  
25 county storm water, flood control, pollution prevention, and drainage  
26 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
27 RCW. A county also may provide for, finance, and operate the  
28 facilities and services and may exercise any of the powers authorized  
29 for aquifer protection areas under chapter 36.36 RCW; for lake  
30 management districts under chapter 36.61 RCW; for diking districts, and  
31 diking, drainage, and sewerage improvement districts under chapters  
32 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
33 districts under chapter 90.72 RCW. However, if a county by reference  
34 to any of those statutes assumes as part of its system of sewerage any  
35 powers granted to such areas or districts and not otherwise available  
36 to a county under this chapter, then (1) the procedures and  
37 restrictions applicable to those areas or districts apply to the  
38 county's exercise of those powers, and (2) the county may not  
39 simultaneously impose rates and charges under this chapter and under

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

9       **Sec. 12.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read  
10 as follows:

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

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

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

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

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

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

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

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

35       (7) The nonprofit public benefit status, as defined in RCW  
36 24.03.490, of the land user; and

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

1        A county may provide assistance to aid low-income persons in  
2 connection with services provided under this chapter.

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

7        NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW  
8 to read as follows:

9        A metropolitan municipal corporation authorized to perform water  
10 pollution abatement may exercise all the powers relating to systems of  
11 sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for  
12 counties.

13        NEW SECTION. Sec. 14. A new section is added to chapter 35.21 RCW  
14 to read as follows:

15        The legislative authority of any city or town may exercise all the  
16 powers relating to systems of sewerage authorized by RCW 35.67.010 and  
17 35.67.020.

18        NEW SECTION. Sec. 15. A new section is added to chapter 53.08 RCW  
19 to read as follows:

20        A port district may exercise all the powers relating to systems of  
21 sewerage authorized by RCW 35.67.010 and 35.67.020 for cities and  
22 towns.

23        **Sec. 16.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to  
24 read as follows:

25        A district shall have the following powers:

26        (1) To acquire by purchase or condemnation, or both, all lands,  
27 property and property rights, and all water and water rights, both  
28 within and without the district, necessary for its purposes. The right  
29 of eminent domain shall be exercised in the same manner and by the same  
30 procedure as provided for cities and towns, insofar as consistent with  
31 this title, except that all assessment or reassessment rolls to be  
32 prepared and filed by eminent domain commissioners or commissioners  
33 appointed by the court shall be prepared and filed by the district, and  
34 the duties devolving upon the city treasurer are imposed upon the  
35 county treasurer;

1           (2) To lease real or personal property necessary for its purposes  
2 for a term of years for which that leased property may reasonably be  
3 needed;

4           (3) To construct, condemn and purchase, add to, maintain, and  
5 supply waterworks to furnish the district and inhabitants thereof and  
6 any other persons, both within and without the district, with an ample  
7 supply of water for all uses and purposes public and private with full  
8 authority to regulate and control the use, content, distribution, and  
9 price thereof in such a manner as is not in conflict with general law  
10 and may construct, acquire, or own buildings and other necessary  
11 district facilities. Where a customer connected to the district's  
12 system uses the water on an intermittent or transient basis, a district  
13 may charge for providing water service to such a customer, regardless  
14 of the amount of water, if any, used by the customer. District  
15 waterworks may include facilities which result in combined water supply  
16 and electric generation, if the electricity generated thereby is a  
17 byproduct of the water supply system. That electricity may be used by  
18 the district or sold to any entity authorized by law to use or  
19 distribute electricity. Electricity is deemed a byproduct when the  
20 electrical generation is subordinate to the primary purpose of water  
21 supply. For such purposes, a district may take, condemn and purchase,  
22 acquire, and retain water from any public or navigable lake, river or  
23 watercourse, or any underflowing water, and by means of aqueducts or  
24 pipeline conduct the same throughout the district and any city or town  
25 therein and carry it along and upon public highways, roads, and  
26 streets, within and without such district. For the purpose of  
27 constructing or laying aqueducts or pipelines, dams, or waterworks or  
28 other necessary structures in storing and retaining water or for any  
29 other lawful purpose such district may occupy the beds and shores up to  
30 the high water mark of any such lake, river, or other watercourse, and  
31 may acquire by purchase or condemnation such property or property  
32 rights or privileges as may be necessary to protect its water supply  
33 from pollution. For the purposes of waterworks which include  
34 facilities for the generation of electricity as a byproduct, nothing in  
35 this section may be construed to authorize a district to condemn  
36 electric generating, transmission, or distribution rights or facilities  
37 of entities authorized by law to distribute electricity, or to acquire  
38 such rights or facilities without the consent of the owner;

1 (4) To purchase and take water from any municipal corporation,  
2 private person, or entity. A district contiguous to Canada may  
3 contract with a Canadian corporation for the purchase of water and for  
4 the construction, purchase, maintenance, and supply of waterworks to  
5 furnish the district and inhabitants thereof and residents of Canada  
6 with an ample supply of water under the terms approved by the board of  
7 commissioners;

8 (5) To construct, condemn and purchase, add to, maintain, and  
9 operate systems of sewers for the purpose of furnishing the district,  
10 the inhabitants thereof, and persons outside the district with an  
11 adequate system of sewers for all uses and purposes, public and  
12 private, including but not limited to on-site sewage disposal  
13 facilities, approved septic tanks or approved septic tank systems, on-  
14 site sanitary sewerage systems, inspection services and maintenance  
15 services for private and public on-site systems, point and nonpoint  
16 water pollution monitoring programs that are directly related to the  
17 sewerage facilities and programs operated by a district, other  
18 facilities, programs, and systems for the collection, interception,  
19 treatment, and disposal of wastewater, and for the control of pollution  
20 from wastewater and for the protection, preservation, and  
21 rehabilitation of surface and underground waters, facilities for the  
22 drainage and treatment of storm or surface waters, public highways,  
23 streets, and roads with full authority to regulate the use and  
24 operation thereof and the service rates to be charged. Under this  
25 chapter, after July 1, 1998, any requirements for pumping the septic  
26 tank of an on-site sewage system should be based, among other things,  
27 on actual measurement of accumulation of sludge and scum by a trained  
28 inspector, trained owner's agent, or trained owner. Training must  
29 occur in a program approved by the state board of health or by a local  
30 health officer. Sewage facilities may include facilities which result  
31 in combined sewage disposal, treatment, or drainage and electric  
32 generation, except that the electricity generated thereby is a  
33 byproduct of the system of sewers. Such electricity may be used by the  
34 district or sold to any entity authorized by law to distribute  
35 electricity. Electricity is deemed a byproduct when the electrical  
36 generation is subordinate to the primary purpose of sewage disposal,  
37 treatment, or drainage. For such purposes a district may conduct  
38 sewage throughout the district and throughout other political  
39 subdivisions within the district, and construct and lay sewer pipe

1 along and upon public highways, roads, and streets, within and without  
2 the district, and condemn and purchase or acquire land and rights of  
3 way necessary for such sewer pipe. A district may erect sewage  
4 treatment plants within or without the district, and may acquire, by  
5 purchase or condemnation, properties or privileges necessary to be had  
6 to protect any lakes, rivers, or watercourses and also other areas of  
7 land from pollution from its sewers or its sewage treatment plant. For  
8 the purposes of sewage facilities which include facilities that result  
9 in combined sewage disposal, treatment, or drainage and electric  
10 generation where the electric generation is a byproduct, nothing in  
11 this section may be construed to authorize a district to condemn  
12 electric generating, transmission, or distribution rights or facilities  
13 of entities authorized by law to distribute electricity, or to acquire  
14 such rights or facilities without the consent of the owners;

15 (6) To construct, condemn, acquire, and own buildings and other  
16 necessary district facilities;

17 (7) To compel all property owners within the district located  
18 within an area served by the district's system of sewers to connect  
19 their private drain and sewer systems with the district's system under  
20 such penalty as the commissioners shall prescribe by resolution. The  
21 district may for such purpose enter upon private property and connect  
22 the private drains or sewers with the district system and the cost  
23 thereof shall be charged against the property owner and shall be a lien  
24 upon property served;

25 (8) Where a district contains within its borders, abuts, or is  
26 located adjacent to any lake, stream, ground water as defined by RCW  
27 90.44.035, or other waterway within the state of Washington, to provide  
28 for the reduction, minimization, or elimination of pollutants from  
29 those waters in accordance with the district's comprehensive plan, and  
30 to issue general obligation bonds, revenue bonds, local improvement  
31 district bonds, or utility local improvement bonds for the purpose of  
32 paying all or any part of the cost of reducing, minimizing, or  
33 eliminating the pollutants from these waters;

34 (9) To fix rates and charges for water, sewer, and drain service  
35 supplied and to charge property owners seeking to connect to the  
36 district's systems, as a condition to granting the right to so connect,  
37 in addition to the cost of the connection, such reasonable connection  
38 charge as the board of commissioners shall determine to be proper in  
39 order that those property owners shall bear their equitable share of



1 the cost of the system. For the purposes of calculating a connection  
2 charge, the board of commissioners shall determine the pro rata share  
3 of the cost of existing facilities and facilities planned for  
4 construction within the next ten years and contained in an adopted  
5 comprehensive plan and other costs borne by the district which are  
6 directly attributable to the improvements required by property owners  
7 seeking to connect to the system. The cost of existing facilities  
8 shall not include those portions of the system which have been donated  
9 or which have been paid for by grants. The connection charge may  
10 include interest charges applied from the date of construction of the  
11 system until the connection, or for a period not to exceed ten years,  
12 whichever is shorter, at a rate commensurate with the rate of interest  
13 applicable to the district at the time of construction or major  
14 rehabilitation of the system, or at the time of installation of the  
15 lines to which the property owner is seeking to connect. A district  
16 may permit payment of the cost of connection and the reasonable  
17 connection charge to be paid with interest in installments over a  
18 period not exceeding fifteen years. The county treasurer may charge  
19 and collect a fee of three dollars for each year for the treasurer's  
20 services. Those fees shall be a charge to be included as part of each  
21 annual installment, and shall be credited to the county current expense  
22 fund by the county treasurer. Revenues from connection charges  
23 excluding permit fees are to be considered payments in aid of  
24 construction as defined by department of revenue rule. Rates or  
25 charges for on-site inspection and maintenance services may not be  
26 imposed under this chapter on the development, construction, or  
27 reconstruction of property.

28 Before adopting on-site inspection and maintenance utility  
29 services, or incorporating residences into an on-site inspection and  
30 maintenance or sewer utility under this chapter, notification must be  
31 provided, prior to the applicable public hearing, to all residences  
32 within the proposed service area that have on-site systems permitted by  
33 the local health officer. The notice must clearly state that the  
34 residence is within the proposed service area and must provide  
35 information on estimated rates or charges that may be imposed for the  
36 service.

37 A water-sewer district shall not provide on-site sewage system  
38 inspection, pumping services, or other maintenance or repair services  
39 under this section using water-sewer district employees unless the on-

1 site system is connected by a publicly owned collection system to the  
2 water-sewer district's sewerage system, and the on-site system  
3 represents the first step in the sewage disposal process.

4 Except as otherwise provided in RCW 90.03.525, any public entity  
5 and public property, including the state of Washington and state  
6 property, shall be subject to rates and charges for sewer, water, storm  
7 water control, drainage, and street lighting facilities to the same  
8 extent private persons and private property are subject to those rates  
9 and charges that are imposed by districts. In setting those rates and  
10 charges, consideration may be made of in-kind services, such as stream  
11 improvements or donation of property;

12 (10) To contract with individuals, associations and corporations,  
13 the state of Washington, and the United States;

14 (11) To employ such persons as are needed to carry out the  
15 district's purposes and fix salaries and any bond requirements for  
16 those employees;

17 (12) To contract for the provision of engineering, legal, and other  
18 professional services as in the board of commissioner's discretion is  
19 necessary in carrying out their duties;

20 (13) To sue and be sued;

21 (14) To loan and borrow funds and to issue bonds and instruments  
22 evidencing indebtedness under chapter 57.20 RCW and other applicable  
23 laws;

24 (15) To transfer funds, real or personal property, property  
25 interests, or services subject to RCW 57.08.015;

26 (16) To levy taxes in accordance with this chapter and chapters  
27 57.04 and 57.20 RCW;

28 (17) To provide for making local improvements and to levy and  
29 collect special assessments on property benefitted thereby, and for  
30 paying for the same or any portion thereof in accordance with chapter  
31 57.16 RCW;

32 (18) To establish street lighting systems under RCW 57.08.060;

33 (19) To exercise such other powers as are granted to water-sewer  
34 districts by this title or other applicable laws; and

35 (20) To exercise any of the powers granted to cities and counties  
36 with respect to the acquisition, construction, maintenance, operation  
37 of, and fixing rates and charges for waterworks and systems of sewerage  
38 and drainage.

1       **Sec. 17.** RCW 57.08.065 and 1996 c 230 s 313 are each amended to  
2 read as follows:

3       (1) A district shall have power to establish, maintain, and operate  
4 a mutual water, ((sewer)) sewerage, drainage, and street lighting  
5 system, a mutual system of any two or three of the systems, or separate  
6 systems.

7       (2) Where any two or more districts include the same territory as  
8 of July 1, 1997, none of the overlapping districts may provide any  
9 service that was made available by any of the other districts prior to  
10 July 1, 1997, within the overlapping territory without the consent by  
11 resolution of the board of commissioners of the other district or  
12 districts.

13       (3) A district that was a water district prior to July 1, 1997,  
14 that did not operate a ((sewer)) system of sewerage prior to July 1,  
15 1997, may not proceed to exercise the powers to establish, maintain,  
16 construct, and operate any ((sewer)) system of sewerage without first  
17 obtaining written approval and certification of necessity from the  
18 department of ecology and department of health. Any comprehensive plan  
19 for a system of sewers or addition thereto or betterment thereof  
20 proposed by a district that was a water district prior to July 1, 1997,  
21 shall be approved by the same county and state officials as were  
22 required to approve such plans adopted by a sewer district immediately  
23 prior to July 1, 1997, and as subsequently may be required.

24       **Sec. 18.** RCW 57.16.010 and 1996 c 230 s 501 are each amended to  
25 read as follows:

26       Before ordering any improvements or submitting to vote any  
27 proposition for incurring any indebtedness, the district commissioners  
28 shall adopt a general comprehensive plan for the type or types of  
29 facilities the district proposes to provide. A district may prepare a  
30 separate general comprehensive plan for each of these services and  
31 other services that districts are permitted to provide, or the district  
32 may combine any or all of its comprehensive plans into a single general  
33 comprehensive plan.

34       (1) For a general comprehensive plan of a water supply system, the  
35 commissioners shall investigate the several portions and sections of  
36 the district for the purpose of determining the present and reasonably  
37 foreseeable future needs thereof; shall examine and investigate,  
38 determine, and select a water supply or water supplies for such

1 district suitable and adequate for present and reasonably foreseeable  
2 future needs thereof; and shall consider and determine a general system  
3 or plan for acquiring such water supply or water supplies, and the  
4 lands, waters, and water rights and easements necessary therefor, and  
5 for retaining and storing any such waters, and erecting dams,  
6 reservoirs, aqueducts, and pipe lines to convey the same throughout  
7 such district. There may be included as part of the system the  
8 installation of fire hydrants at suitable places throughout the  
9 district. The commissioners shall determine a general comprehensive  
10 plan for distributing such water throughout such portion of the  
11 district as may then reasonably be served by means of subsidiary  
12 aqueducts and pipe lines, and a long-term plan for financing the  
13 planned projects and the method of distributing the cost and expense  
14 thereof, including the creation of local improvement districts or  
15 utility local improvement districts, and shall determine whether the  
16 whole or part of the cost and expenses shall be paid from revenue or  
17 general obligation bonds.

18 (2) For a general comprehensive plan for a sewer system, the  
19 commissioners shall investigate all portions and sections of the  
20 district and select a general comprehensive plan for a sewer system for  
21 the district suitable and adequate for present and reasonably  
22 foreseeable future needs thereof. The general comprehensive plan shall  
23 provide for treatment plants and other methods and services, if any,  
24 for the prevention, control, and reduction of water pollution and for  
25 the treatment and disposal of sewage and industrial and other liquid  
26 wastes now produced or which may reasonably be expected to be produced  
27 within the district and shall, for such portions of the district as may  
28 then reasonably be served, provide for the acquisition or construction  
29 and installation of laterals, trunk sewers, intercepting sewers,  
30 syphons, pumping stations or other sewage collection facilities, septic  
31 tanks, septic tank systems or drainfields, and systems for the  
32 transmission and treatment of wastewater. The general comprehensive  
33 plan shall provide a long-term plan for financing the planned projects  
34 and the method of distributing the cost and expense of the sewer system  
35 and services, including the creation of local improvement districts or  
36 utility local improvement districts; and provide whether the whole or  
37 some part of the cost and expenses shall be paid from revenue or  
38 general obligation bonds.

1 (3) For a general comprehensive plan for a drainage system, the  
2 commissioners shall investigate all portions and sections of the  
3 district and adopt a general comprehensive plan for a drainage system  
4 for the district suitable and adequate for present and future needs  
5 thereof. The general comprehensive plan shall provide for a system to  
6 collect, treat, and dispose of storm water or surface waters, including  
7 use of natural systems and the construction or provision of culverts,  
8 storm water pipes, ponds, and other systems. The general comprehensive  
9 plan shall provide for a long-term plan for financing the planned  
10 projects and provide for a method of distributing the cost and expense  
11 of the drainage system, including local improvement districts or  
12 utility local improvement districts, and provide whether the whole or  
13 some part of the cost and expenses shall be paid from revenue or  
14 general obligation bonds.

15 (4) For a general comprehensive plan for street lighting, the  
16 commissioners shall investigate all portions and sections of the  
17 district and adopt a general comprehensive plan for street lighting for  
18 the district suitable and adequate for present and future needs  
19 thereof. The general comprehensive plan shall provide for a system or  
20 systems of street lighting, provide for a long-term plan for financing  
21 the planned projects, and provide for a method of distributing the cost  
22 and expense of the street lighting system, including local improvement  
23 districts or utility local improvement districts, and provide whether  
24 the whole or some part of the cost and expenses shall be paid from  
25 revenue or general obligation bonds.

26 (5) The commissioners may employ such engineering and legal service  
27 as in their discretion is necessary in carrying out their duties.

28 (6) Any general comprehensive plan or plans shall be adopted by  
29 resolution and submitted to an engineer designated by the legislative  
30 authority of the county in which fifty-one percent or more of the area  
31 of the district is located, and to the director of health of the county  
32 in which the district or any portion thereof is located, and must be  
33 approved in writing by the engineer and director of health, except that  
34 a comprehensive plan relating to street lighting shall not be submitted  
35 to or approved by the director of health. The general comprehensive  
36 plan shall be approved, conditionally approved, or rejected by the  
37 director of health and by the designated engineer within sixty days of  
38 their respective receipt of the plan. However, this sixty-day time  
39 limitation may be extended by the director of health or engineer for up

1 to an additional sixty days if sufficient time is not available to  
2 review adequately the general comprehensive plans.

3 Before becoming effective, the general comprehensive plan shall  
4 also be submitted to, and approved by resolution of, the legislative  
5 authority of every county within whose boundaries all or a portion of  
6 the district lies. The general comprehensive plan shall be approved,  
7 conditionally approved, or rejected by each of the county legislative  
8 authorities pursuant to the criteria in RCW 57.02.040 for approving the  
9 formation, reorganization, annexation, consolidation, or merger of  
10 districts. The resolution, ordinance, or motion of the legislative  
11 body that rejects the comprehensive plan or a part thereof shall  
12 specifically state in what particular the comprehensive plan or part  
13 thereof rejected fails to meet these criteria. The general  
14 comprehensive plan shall not provide for the extension or location of  
15 facilities that are inconsistent with the requirements of RCW  
16 36.70A.110. Nothing in this chapter shall preclude a county from  
17 rejecting a proposed plan because it is in conflict with the criteria  
18 in RCW 57.02.040. Each general comprehensive plan shall be deemed  
19 approved if the county legislative authority fails to reject or  
20 conditionally approve the plan within ninety days of the plan's  
21 submission to the county legislative authority or within thirty days of  
22 a hearing on the plan when the hearing is held within ninety days of  
23 submission to the county legislative authority. However, a county  
24 legislative authority may extend this ninety-day time limitation by up  
25 to an additional ninety days where a finding is made that ninety days  
26 is insufficient to review adequately the general comprehensive plan.  
27 In addition, the commissioners and the county legislative authority may  
28 mutually agree to an extension of the deadlines in this section.

29 If the district includes portions or all of one or more cities or  
30 towns, the general comprehensive plan shall be submitted also to, and  
31 approved by resolution of, the legislative authorities of the cities  
32 and towns before becoming effective. The general comprehensive plan  
33 shall be deemed approved by the city or town legislative authority if  
34 the city or town legislative authority fails to reject or conditionally  
35 approve the plan within ninety days of the plan's submission to the  
36 city or town or within thirty days of a hearing on the plan when the  
37 hearing is held within ninety days of submission to the county  
38 legislative authority. However, a city or town legislative authority  
39 may extend this time limitation by up to an additional ninety days

1 where a finding is made that insufficient time exists to adequately  
2 review the general comprehensive plan within these time limitations.  
3 In addition, the commissioners and the city or town legislative  
4 authority may mutually agree to an extension of the deadlines in this  
5 section.

6 Before becoming effective, the general comprehensive plan shall be  
7 approved by any state agency whose approval may be required by  
8 applicable law. Before becoming effective, any amendment to,  
9 alteration of, or addition to, a general comprehensive plan shall also  
10 be subject to such approval as if it were a new general comprehensive  
11 plan. However, only if the amendment, alteration, or addition affects  
12 a particular city or town, shall the amendment, alteration, or addition  
13 be subject to approval by such particular city or town governing body.

14 **Sec. 19.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to  
15 read as follows:

16 The commissioners of any district shall provide for revenues by  
17 fixing rates and charges for furnishing sewer and drainage service and  
18 facilities to those to whom service is available or for providing  
19 water, such rates and charges to be fixed as deemed necessary by the  
20 commissioners, so that uniform charges will be made for the same class  
21 of customer or service and facility. Rates and charges may be combined  
22 for the furnishing of more than one type of sewer service(~~(and)~~) and  
23 facility such as but not limited to storm or surface water and  
24 sanitary.

25 In classifying customers of such water, sewer, or drainage system,  
26 the board of commissioners may in its discretion consider any or all of  
27 the following factors: The difference in cost (~~(of service)~~) to  
28 various customers; the location of the various customers within and  
29 without the district; the difference in cost of maintenance, operation,  
30 repair, and replacement of the various parts of the system; the  
31 different character of the service furnished various customers; the  
32 quantity and quality of the service and facility furnished; the time of  
33 its use; the achievement of water conservation goals and the  
34 discouragement of wasteful practices; capital contributions made to the  
35 system including but not limited to assessments; and any other matters  
36 which present a reasonable difference as a ground for distinction.  
37 Rates shall be established as deemed proper by the commissioners and as  
38 fixed by resolution and shall produce revenues sufficient to take care

1 of the costs of maintenance and operation, revenue bond and warrant  
2 interest and principal amortization requirements, and all other charges  
3 necessary for efficient and proper operation of the system.

4 The commissioners shall enforce collection of connection charges,  
5 and rates and charges for water supplied against property owners  
6 connecting with the system or receiving such water, and for sewer and  
7 drainage services charged against property to which and its owners to  
8 whom the service is available, such charges being deemed charges  
9 against the property served, by addition of penalties of not more than  
10 ten percent thereof in case of failure to pay the charges at times  
11 fixed by resolution. The commissioners may provide by resolution that  
12 where either connection charges or rates and charges for services  
13 supplied are delinquent for any specified period of time, the district  
14 shall certify the delinquencies to the treasurer of the county in which  
15 the real property is located, and the charges and any penalties added  
16 thereto and interest thereon at the rate of not more than the prime  
17 lending rate of the district's bank plus four percentage points per  
18 year shall be a lien against the property upon which the service was  
19 received, subject only to the lien for general taxes.

20 The district may, at any time after the connection charges or rates  
21 and charges for services supplied or available and penalties are  
22 delinquent for a period of sixty days, bring suit in foreclosure by  
23 civil action in the superior court of the county in which the real  
24 property is located. The court may allow, in addition to the costs and  
25 disbursements provided by statute, attorneys' fees, title search and  
26 report costs, and expenses as it adjudges reasonable. The action shall  
27 be in rem, and may be brought in the name of the district against an  
28 individual or against all of those who are delinquent in one action.  
29 The laws and rules of the court shall control as in other civil  
30 actions.

31 In addition to the right to foreclose provided in this section, the  
32 district may also cut off all or part of the service after charges for  
33 water or sewer service supplied or available are delinquent for a  
34 period of sixty days.

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

37 (1) The county legislative authority may create a shellfish  
38 protection district on its own motion or by submitting the question to



1 the voters of the proposed district and obtaining the approval of a  
2 majority of those voting. The boundaries of the district shall be  
3 determined by the legislative authority. The legislative authority may  
4 create more than one district. A district may include any area or  
5 areas within the county, whether incorporated or unincorporated.  
6 Counties shall coordinate and cooperate with cities, towns, and water-  
7 related special districts within their boundaries in establishing  
8 shellfish protection districts and carrying out shellfish protection  
9 programs. Where a portion of the proposed district lies within an  
10 incorporated area, the county shall develop procedures for the  
11 participation of the city or town in the determination of the  
12 boundaries of the district and the administration of the district,  
13 including funding of the district's programs. The legislative  
14 authority of more than one county may by agreement provide for the  
15 creation of a district including areas within each of those counties.  
16 County legislative authorities are encouraged to coordinate their plans  
17 and programs to protect shellfish growing areas, especially where  
18 shellfish growing areas are located within the boundaries of more than  
19 one county. The legislative authority or authorities creating a  
20 district may abolish a shellfish protection district on its or their  
21 own motion or by submitting the question to the voters of the district  
22 and obtaining the approval of a majority of those voting.

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

1 After this notification, the petitioner shall have thirty days in  
2 which to secure on petition forms the signatures of not less than  
3 twenty-five percent of the registered voters residing within the  
4 boundaries of the shellfish protection district and file the signed  
5 petitions with the county auditor. Each petition form shall contain  
6 the ballot title and full text of the measure to be referred. The  
7 county auditor shall verify the sufficiency of the signatures on the  
8 petitions. If sufficient valid signatures are properly submitted, the  
9 county auditor shall submit the referendum measure to the registered  
10 voters residing in the shellfish protection district in a special  
11 election no later than one hundred twenty days after the signed  
12 petition has been filed with the county auditor. The special election  
13 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

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

20 NEW SECTION. Sec. 21. (1) The department of health shall convene  
21 a work group for the purpose of making recommendations to the  
22 legislature for the development of a certification program for  
23 different classes of people involved with on-site septic systems. The  
24 work group shall study certification of persons who pump, install,  
25 design, perform maintenance, inspect, or regulate any of the above  
26 listed functions with regard to on-site septic systems. The work group  
27 shall make recommendations regarding appropriate bonding levels and  
28 other standards for the various occupations for which certification  
29 will be recommended. The work group shall also examine the development  
30 of a risk analysis pertaining to the installation and maintenance of  
31 different types of septic systems for different parts of the state.  
32 The work group shall report its findings and recommendations to the  
33 senate agriculture and environment committee and the house of  
34 representatives agriculture and ecology committee by January 1, 1998.

35 (2) The work group shall consist of a representative from each of  
36 the following groups: On-site septic system pumpers, installers,  
37 designers, maintenance operators, and inspectors, as well as a  
38 representative of cities, counties, the department of health,

1 engineers, residential construction, the Puget Sound water quality  
2 action team, public utility districts, water-sewer districts, and two  
3 members from the general public. The members of the work group shall  
4 be appointed by the governor. The representative of the department of  
5 health shall serve as the chair of the work group. Staff support for  
6 the work group shall be provided by the department of health.

Passed the Senate April 19, 1997.

Passed the House April 14, 1997.

Approved by the Governor May 20, 1997.

Filed in Office of Secretary of State May 20, 1997.