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SENATE BILL 5055

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State of Washington

64th Legislature

2015 Regular Session

By Senators Angel and Roach

Prefiled 01/08/15. Read first time 01/12/15. Referred to Committee on Government Operations & State Security.

1 AN ACT Relating to a local government installing a public sewage  
2 system within the public right-of-way under certain circumstances;  
3 and amending RCW 70.05.074.

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

5 **Sec. 1.** RCW 70.05.074 and 1997 c 447 s 2 are each amended to  
6 read as follows:

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

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

19 (3) If the local health officer denies an application to install  
20 an on-site sewage system for an existing single-family residence that  
21 would be otherwise approved except for a law, regulation, or

1 ordinance requiring connection to a public sewer system, the local  
2 government must install a sewer system within any public right-of-way  
3 in order to extend service to the property owner. The property owner  
4 of the existing single-family residence is only responsible for the  
5 cost of improvements on his or her property and sewer connection fees  
6 required to connect to the public sewer system. If the local  
7 government does not install a sewer system within the public right-  
8 of-way, the local health officer must issue an on-site sewage system  
9 permit.

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

17       ((+4+)) (5) A local health officer may not limit the number of  
18 alternative sewage systems within his or her jurisdiction without  
19 cause. Any such limitation must be based upon public health and  
20 environmental protection concerns, including concerns regarding the  
21 ability to operate and maintain the system, or conflicts with other  
22 existing laws, regulations, or ordinances. If such a limitation is  
23 established, the local health officer must justify the limitation in  
24 writing, with specific reasons, and must provide an explanation of  
25 the procedure for appealing the limitation.

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