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**SUBSTITUTE HOUSE BILL 1471**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Environment & Energy (originally sponsored by  
Representatives Young, Walsh, and Shea)

1 AN ACT Relating to state board of health rules regarding on-site  
2 sewage systems; amending RCW 70.05.074; and adding a new section to  
3 chapter 43.20 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20  
6 RCW to read as follows:

7 (1) Rules adopted by the state board under RCW 43.20.050(3)  
8 regarding failures of on-site sewage systems must:

9 (a) Give first priority to allowing repair and second priority to  
10 allowing replacement of an existing conventional on-site sewage  
11 system, consisting of a septic tank and drainfield, with a similar  
12 conventional system;

13 (b) Not impose or allow the imposition of more stringent  
14 performance requirements of equivalent on-site sewage systems on  
15 private entities than public entities; and

16 (c) Allow a system to be repaired using the least expensive  
17 alternative that meets standards and is likely to provide comparable  
18 or better long-term sewage treatment and effluent dispersal outcomes.

19 (2) Rules adopted by the state board under RCW 43.20.050(3)  
20 regarding inspections must:

1 (a) Require any inspection of an on-site sewage system carried  
2 out by a certified professional inspector or public agency to be  
3 coordinated with the owner of the on-site sewage system prior to  
4 accessing the on-site sewage system;

5 (b) Require any inspection of an on-site sewage system carried  
6 out by a certified professional inspector or responsible public  
7 agency to be authorized by the owner of the on-site sewage system  
8 prior to accessing the on-site sewage system;

9 (c) Allow, in cases where an inspection has not been authorized  
10 by a property owner, the local health jurisdiction to follow the  
11 procedures established for an administrative search warrant in RCW  
12 70.118.030; and

13 (d) Forbid local health jurisdictions from requiring private  
14 property owners to grant inspection or maintenance easements for on-  
15 site sewage systems as a condition of permit issuance for on-site  
16 sewage systems that are located on a single property and service a  
17 single dwelling unit.

18 **Sec. 2.** RCW 70.05.074 and 1997 c 447 s 2 are each amended to  
19 read as follows:

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

24 (2) If the local health officer denies an application to install  
25 an on-site sewage system, the denial must be for cause and based upon  
26 public health and environmental protection concerns, including  
27 concerns regarding the ability to operate and maintain the system, or  
28 conflicts with other existing laws, regulations, or ordinances. A  
29 local health officer may not deny or condition a permit application  
30 related to an on-site sewage system located on a single property and  
31 servicing a single dwelling unit upon the granting of an easement  
32 allowing for the inspection or maintenance of the on-site sewage  
33 system. The local health officer must provide the applicant with a  
34 written justification for the denial, along with an explanation of  
35 the procedure for appeal.

36 (3) If the local health officer identifies the application as  
37 pending and subject to review beyond thirty days, the local health  
38 officer must provide the applicant with a written justification that  
39 the site-specific conditions or circumstances necessitate a longer

1 time period for a decision on the application. The local health  
2 officer must include any specific information necessary to make a  
3 decision and the estimated time required for a decision to be made.

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

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