
SUBSTITUTE HOUSE BILL 1665

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives McMorris, Campbell, Honeyford, Koster, Johnson, Huff, Cairnes, Fuhrman, D. Schmidt, Padden and Thompson)

Read first time 02/27/95.

1 AN ACT Relating to on-site sewage disposal systems; and amending
2 RCW 90.48.110 and 90.48.120.

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

4 **Sec. 1.** RCW 90.48.110 and 1994 c 118 s 1 are each amended to read
5 as follows:

6 (1) Except under subsection (2) of this section, all engineering
7 reports, plans, and specifications for the construction of new sewerage
8 systems, sewage treatment or disposal plants or systems, or for
9 improvements or extensions to existing sewerage systems or sewage
10 treatment or disposal plants, and the proposed method of future
11 operation and maintenance of said facility or facilities, shall be
12 submitted to and be approved by the department, before construction
13 thereof may begin. No approval shall be given until the department is
14 satisfied that said plans and specifications and the methods of
15 operation and maintenance submitted are adequate to protect the quality
16 of the state's waters as provided for in this chapter.

17 (2)(a) To promote efficiency in service delivery and
18 intergovernmental cooperation in protecting the quality of the state's
19 waters, the department may delegate the authority for review and

1 approval of engineering reports, plans, and specifications for the
2 construction of new sewerage systems, sewage treatment or disposal
3 plants or systems, or for improvements or extensions to existing
4 sewerage system or sewage treatment or disposal plants, and the
5 proposed method of future operations and maintenance of said facility
6 or facilities and industrial pretreatment systems, to local units of
7 government requesting such delegation and meeting criteria established
8 by the department.

9 (b) On-site sewage disposal systems, as defined in RCW 70.118.020,
10 are not subject to review or approval by the department.

11 **Sec. 2.** RCW 90.48.120 and 1992 c 73 s 25 are each amended to read
12 as follows:

13 (1) Whenever, in the opinion of the department, any person shall
14 violate or creates a substantial potential to violate the provisions of
15 this chapter or chapter 90.56 RCW, or fails to control the polluting
16 content of waste discharged or to be discharged into any waters of the
17 state, the department shall notify such person of its determination by
18 registered mail. Such determination shall not constitute an order or
19 directive under RCW 43.21B.310. Within thirty days from the receipt of
20 notice of such determination, such person shall file with the
21 department a full report stating what steps have been and are being
22 taken to control such waste or pollution or to otherwise comply with
23 the determination of the department. Whereupon the department shall
24 issue such order or directive as it deems appropriate under the
25 circumstances, and shall notify such person thereof by registered mail.

26 (2) Whenever the department deems immediate action is necessary to
27 accomplish the purposes of this chapter or chapter 90.56 RCW, it may
28 issue such order or directive, as appropriate under the circumstances,
29 without first issuing a notice or determination pursuant to subsection
30 (1) of this section. An order or directive issued pursuant to this
31 subsection shall be served by registered mail or personally upon any
32 person to whom it is directed.

33 (3) An on-site sewage disposal system may not be determined a
34 violation or potential violation under this section solely on the
35 grounds that the system has not been approved by the department of
36 ecology. This subsection shall not otherwise preclude the department
37 from making a determination that the operation of an existing on-site

1 sewage disposal system violates the provisions of this chapter or
2 chapter 90.56 RCW.

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