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HOUSE BILL 1995

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Finn and McCune

Read first time 02/18/11. Referred to Committee on Environment.

1            AN ACT Relating to on-site sewage proprietary treatment products;  
2 and amending RCW 43.20.050 and 70.118.020.

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

4            **Sec. 1.** RCW 43.20.050 and 2009 c 495 s 1 are each amended to read  
5 as follows:

6            (1) The state board of health shall provide a forum for the  
7 development of public health policy in Washington state. It is  
8 authorized to recommend to the secretary means for obtaining  
9 appropriate citizen and professional involvement in all public health  
10 policy formulation and other matters related to the powers and duties  
11 of the department. It is further empowered to hold hearings and  
12 explore ways to improve the health status of the citizenry.

13            (a) At least every five years, the state board shall convene  
14 regional forums to gather citizen input on public health issues.

15            (b) Every two years, in coordination with the development of the  
16 state biennial budget, the state board shall prepare the state public  
17 health report that outlines the health priorities of the ensuing  
18 biennium. The report shall:

19            (i) Consider the citizen input gathered at the forums;

1 (ii) Be developed with the assistance of local health departments;  
2 (iii) Be based on the best available information collected and  
3 reviewed according to RCW 43.70.050;

4 (iv) Be developed with the input of state health care agencies. At  
5 least the following directors of state agencies shall provide timely  
6 recommendations to the state board on suggested health priorities for  
7 the ensuing biennium: The secretary of social and health services, the  
8 health care authority administrator, the insurance commissioner, the  
9 superintendent of public instruction, the director of labor and  
10 industries, the director of ecology, and the director of agriculture;

11 (v) Be used by state health care agency administrators in preparing  
12 proposed agency budgets and executive request legislation;

13 (vi) Be submitted by the state board to the governor by January 1st  
14 of each even-numbered year for adoption by the governor. The governor,  
15 no later than March 1st of that year, shall approve, modify, or  
16 disapprove the state public health report.

17 (c) In fulfilling its responsibilities under this subsection, the  
18 state board may create ad hoc committees or other such committees of  
19 limited duration as necessary.

20 (2) In order to protect public health, the state board of health  
21 shall:

22 (a) Adopt rules for group A public water systems, as defined in RCW  
23 70.119A.020, necessary to assure safe and reliable public drinking  
24 water and to protect the public health. Such rules shall establish  
25 requirements regarding:

26 (i) The design and construction of public water system facilities,  
27 including proper sizing of pipes and storage for the number and type of  
28 customers;

29 (ii) Drinking water quality standards, monitoring requirements, and  
30 laboratory certification requirements;

31 (iii) Public water system management and reporting requirements;

32 (iv) Public water system planning and emergency response  
33 requirements;

34 (v) Public water system operation and maintenance requirements;

35 (vi) Water quality, reliability, and management of existing but  
36 inadequate public water systems; and

37 (vii) Quality standards for the source or supply, or both source  
38 and supply, of water for bottled water plants;

1 (b) Adopt rules as necessary for group B public water systems, as  
2 defined in RCW 70.119A.020. The rules shall, at a minimum, establish  
3 requirements regarding the initial design and construction of a public  
4 water system. The state board of health rules may waive some or all  
5 requirements for group B public water systems with fewer than five  
6 connections;

7 (c) Adopt rules and standards for prevention, control, and  
8 abatement of health hazards and nuisances related to the disposal of  
9 wastes, solid and liquid, including but not limited to sewage, garbage,  
10 refuse, and other environmental contaminants; adopt standards and  
11 procedures governing the design, construction, and operation of sewage,  
12 garbage, refuse and other solid waste collection, treatment, and  
13 disposal facilities;

14 (d) Adopt rules controlling public health related to environmental  
15 conditions including but not limited to heating, lighting, ventilation,  
16 sanitary facilities, cleanliness and space in all types of public  
17 facilities including but not limited to food service establishments,  
18 schools, institutions, recreational facilities and transient  
19 accommodations and in places of work;

20 (e) Adopt rules for the imposition and use of isolation and  
21 quarantine;

22 (f) Adopt rules for the prevention and control of infectious and  
23 noninfectious diseases, including food and vector borne illness, and  
24 rules governing the receipt and conveyance of remains of deceased  
25 persons, and such other sanitary matters as admit of and may best be  
26 controlled by universal rule; and

27 (g) Adopt rules for accessing existing databases for the purposes  
28 of performing health related research.

29 (3)(a) The state board shall adopt rules for the design,  
30 construction, installation, operation, and maintenance of those on-site  
31 sewage systems with design flows of less than three thousand five  
32 hundred gallons per day.

33 (b)(i) The rules must require certification by a third-party  
34 certification body accredited to international laboratory and  
35 conformity assessment standards for on-site sewage proprietary  
36 treatment products, with systems evaluated and certified in accordance  
37 with the applicable United States national standards or nationally

1 recognized verification protocols. However, the rules may not place  
2 additional protocols or requirements on certified on-site proprietary  
3 treatment products.

4 (ii) For the purposes of this subsection (3)(b), "proprietary  
5 treatment products" has the same meaning as defined in RCW 70.118.020.

6 (4) The state board may delegate any of its rule-adopting authority  
7 to the secretary and rescind such delegated authority.

8 (5) All local boards of health, health authorities and officials,  
9 officers of state institutions, police officers, sheriffs, constables,  
10 and all other officers and employees of the state, or any county, city,  
11 or township thereof, shall enforce all rules adopted by the state board  
12 of health. In the event of failure or refusal on the part of any  
13 member of such boards or any other official or person mentioned in this  
14 section to so act, he or she shall be subject to a fine of not less  
15 than fifty dollars, upon first conviction, and not less than one  
16 hundred dollars upon second conviction.

17 (6) The state board may advise the secretary on health policy  
18 issues pertaining to the department of health and the state.

19 **Sec. 2.** RCW 70.118.020 and 1994 c 281 s 2 are each amended to read  
20 as follows:

21 As used in this chapter, the terms defined in this section shall  
22 have the meanings indicated unless the context clearly indicates  
23 otherwise.

24 (1) "Nonwater-carried sewage disposal devices" means any device  
25 that stores and treats nonwater-carried human urine and feces.

26 (2) "Alternative methods of effluent disposal" means systems  
27 approved by the department of health, including at least, mound  
28 systems, alternating drainfields, anaerobic filters, evapotranspiration  
29 systems, and aerobic systems.

30 (3) "Failure" means: (a) Effluent has been discharged on the  
31 surface of the ground prior to approved treatment; or (b) effluent has  
32 percolated to the surface of the ground; or (c) effluent has  
33 contaminated or threatens to contaminate a groundwater supply.

34 (4) "Additive" means any commercial product intended to affect the  
35 performance or aesthetics of an on-site sewage disposal system.

36 (5) "Department" means the department of health.

1 (6) "On-site sewage disposal system" means any system of piping,  
2 treatment devices, or other facilities that convey, store, treat, or  
3 dispose of sewage on the property where it originates or on nearby  
4 property under the control of the user where the system is not  
5 connected to a public sewer system. For purposes of this chapter, an  
6 on-site sewage disposal system does not include indoor plumbing and  
7 associated fixtures.

8 (7) "Chemical additive" means those additives containing acids,  
9 bases, or other chemicals deemed unsafe by the department for use in an  
10 on-site sewage disposal system.

11 (8) "Additive manufacturer" means any person who manufactures,  
12 formulates, blends, packages, or repackages an additive product for  
13 sale, use, or distribution within the state.

14 (9) "Proprietary treatment products" means a sewage treatment and  
15 distribution technology, method, or material subject to a patent or  
16 trademark certified by a third-party certification body that is  
17 accredited to international laboratory and conformity assessment  
18 standards for on-site sewage proprietary treatment products.

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