
SENATE BILL 5678

State of Washington

62nd Legislature

2011 Regular Session

By Senators Stevens and Rockefeller

Read first time 02/04/11. Referred to Committee on Environment, Water & Energy.

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
38 recognized verification protocols. However, the rules may not place

1 additional protocols or requirements on certified on-site proprietary
2 treatment products. A field compliance standard may not be more
3 stringent than the standard under which proprietary treatment products
4 were tested or verified.

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

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

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

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

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

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

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

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

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

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

37 (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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