

Attachment 6: Board of Health Resolution 2002-07

OKANOGAN COUNTY HEALTH DISTRICT

ON-SITE SEWAGE DISPOSAL REGULATION

Effective 1 March 2008
Board of Health Resolution 2002-07

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SECTION ONE: AUTHORITY

Pursuant to the authority of RCW Chapters 43.20.050, 70.46, 70.05.060, these regulations are hereby established as the minimum requirements of the Okanogan County Health District Board of Health, governing on-site sewage systems.

SECTION TWO: PURPOSE

The purpose of these regulations is to assure protection of public health by:

2.01.

Minimizing the public health effects that on-site sewage systems have on surface water and ground water.

2.02.

Minimizing the potential for public exposure to sewage.

2.03.

Establishing design, installation and management requirements for on-site sewage systems to provide effective treatment and proper disposal of sewage on a long-term basis.

SECTION THREE: ADMINISTRATION

The Okanogan County Health District (OCHD) Health Officer shall administer these regulations. Fees may be charged for this administration as adopted by the OCHD Board of Health.

SECTION FOUR: DEFINITIONS

The definitions of terms contained in Chapter 246-272A WAC are hereby adopted and incorporated by reference. In addition, the following definitions shall also apply in this regulation:

4.01.

"Board" shall mean the Okanogan County Health District Board of Health.

4.02

"Continuing Education Unit (CEU) Credit" --- six hours of contact participation in an organized educational experience under qualified sponsorship, capable of direction and qualified instruction. To renew certification, one (1) CEU will be required on an annual basis. Courses must be approved by the Health Officer and be applicable for expanded knowledge pertaining to on-site sewage treatment and disposal. A copy of the agenda or syllabus showing date, time, subject matter, presenter, sponsor and evidence of actual participation must be presented at the time of certification renewal. This evidence could be in the form of a receipt or a copy of the attendance roster of the training event.

4.03.

"Director" shall mean the Okanogan County Health District Director or an authorized member of the health district staff. The director and all health district staff are defined as agents of the health officer.

4.04.

"District" shall mean the Okanogan County Health District.

ADD

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a sewage tank or collection system;
- (d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation

exists;

(e) Inadequately treated effluent contaminating ground water or surface water; or

(f) Noncompliance with standards stipulated on the permit.

4.05.

"Mechanical system" shall mean any treatment process, other than pumps, utilizing motor driven equipment.

4.05.

"Minimum system size" shall be equivalent to that used for a two bedroom house.

4.07.

"Residential Equivalent" shall mean the volume of sewage generated each day of maximum usage and is considered equivalent to the daily volume of sewage produced by a single family residence. Three hundred sixty (360) gallons per day shall be considered one residential equivalent.

4.08.

"Total Nitrogen" shall mean total nitrogen expressed as N, as defined in the current edition of "Standard Methods for the Examination of Water and Wastewater," published by APIA, AWE and WPCF.

4.09 "Treatment level" means one of six levels (A, B, C, D, E, & N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272AA-0110; and

(b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

SECTION FIVE: APPLICABILITY

5.01.

This regulation shall apply to all on-site sewage systems except the following:

5.01.01.

New construction for which an on-site sewage system permit was issued prior to adoption of this regulation and which is still valid. Regulations in effect at the time the permit was issued shall apply.

5.01.02.

Facilities constructed or operated in accordance with a permit or approval issued by the Washington Department of Ecology or Department of Health. Where this regulation is in conflict with Chapter 90.48 or 70.95 RCW, said RCW shall apply.

5.02.

Subdivisions which have received final plat approval, prior to the effective date of this regulation shall be governed by the provisions of RCW 58.17.170, which states, "A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after the final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision."

5.03.

If a conflict arises between Chapter 246-272A WAC and these regulations, the more restrictive regulation shall prevail.

SECTION SIX: MINIMUM STANDARDS FOR ON-SITE SEWAGE DISPOSAL

6.01.

Chapter 246-272A WAC, Rules and Regulations of the State Board of Health for On-Site Sewage Disposal Systems as presently constituted and as hereafter amended, are hereby adopted and incorporated by reference in this regulation as minimal standards governing the design, construction and permitting of on-site sewage disposal systems in Okanogan County. If a conflict arises between Chapter 246-272A WAC and these regulations, the more restrictive regulation shall prevail. Copies of said document shall be kept on file and made available for public inspection at the Okanogan County Health District office.

6.02.

On-site sewage disposal system permit applications shall be required prior to any increase in household water usage, and/or construction, alteration, expansion, relocation, or repair of or connection to any on-site disposal system. The information required for permit approval is the responsibility of the applicant. Applications not acted upon within one year are considered null and void and will not be kept on file by the health district. Permits shall be valid for one year from their date of issuance and may be extended for one additional year during the initial one year period. Permit renewal fees shall be charged according to the "Okanogan County Health District Fee Schedule." Copies of said document shall be kept on file and made available for public inspection at the Okanogan County Health District office.

6.02.01.

A "Permit Renewal Fee" shall be charged to cover the cost of processing the permit renewal request. The permit renewal fee shall be specified by the Okanogan County Health District Fee Schedule.

6.02.02.

An approved O.S.S. disposal permit/application may be transferred with the property to a new property owner.

6.02.03

Any development that results in the production of wastewater shall be required to utilize a permitted and approved on-site sewage disposal system.

6.03.

"Okanogan County Health District Design and Construction Standards for Conventional On-site Sewage Disposal Systems" as presently constituted and hereafter amended, are hereby adopted and incorporated by reference in this regulation. Copies of said document shall be kept on file and made available for public inspection at the Okanogan County Health District office.

6.04.

On-site sewage systems that have a design capacity flow at any given point that equals or exceeds 3,500 gallons per day shall meet the requirements specified in "WAC 246-272B Large On-site Sewage Systems Regulations" and "Design Standard for Large On-Site Sewage Systems" 1993, Washington State Department of Health (available upon written request to the Department of Health).

6.05.

The minimum size of an on-site sewage disposal system that will be permitted shall be equivalent to that required by a two (2) bedroom home/residential structure.

6.06.

Discharging pit or vault privies shall not be allowed except for temporary, less than 60 days per year, use in agricultural, recreation, and construction sites.

6.06.01

Before a pit or vault privy permit is issued a notice of part time occupancy must be filed with the Okanogan County Auditor. Part time occupancy forms will be available from the Okanogan County Health District.

6.06.02

Discharging pit privies and vault privies are not allowed where water is available under pressure (including from a gravity tank), where plumbing fixtures are installed in the development, or where the parcel size is less than five acres.

6.06.03

Existing privies built prior to 1995 that do not constitute a potential hazard to health or the environment are considered a pre-existing, non-conforming use and are allowed until water under pressure or plumbing fixtures are available in the development.

6.07.

When a discharging pit privy or a non-discharging sewage disposal system, such as a vault privy, composting toilet, incinerating toilet, or chemical toilet is utilized, gray water shall be treated/disposed of, or utilized in a manner specifically approved by the Director.

6.08.

The director shall not approve holding tanks. A variance for a holding tank may be requested by the applicant from the Board.

SECTION SEVEN: AREAS OF SPECIAL CONCERN

7.01.

The Board shall declare a defined area to be an Area Of Special Concern when, in their opinion, there is significant reason to believe that on-site sewage disposal systems create pollution of ground or surface water, or there is significant potential for ground or surface water pollution, or there is significant potential that additional on-site sewage disposal systems will pollute the ground water or surface water.

7.02.

The board may adopt such requirements as it deems necessary prior to approval of an on-site sewage disposal system in a critical area. The board may restrict, or take whatever other action *is* required, to protect the ground and surface water and public health in critical areas.

7.03.

Permit approval shall be contingent upon utility easements for a community sewage system.

7.04.

Each permit approval shall be conditioned upon connection to a central public sewage system when one becomes available and connection is required by the health officer.

SECTION EIGHT: MINIMUM LAND AREA REQUIREMENTS

8.01. New Subdivisions.

8.01.01.

Minimum lot size shall be three acres for new long subdivisions and two acres for new short subdivisions where the lots will not be connected to an approved public water supply. Provided that, the well protection zone of a 100 feet radius shall be within the lot boundary, in a common well area, or on adjacent property protected by restrictive covenants. Except the minimum lot size for lots in Type 1 and Type 1 soils in short subdivisions shall be two and one-half acres if the applicant meets all of the requirements of WAC 246-272A-0234(6) when a conventional gravity system is intended to be utilized.

8.01.02.

The minimum lot size for new subdivisions utilizing a public water supply shall be determined by the table in Section 8.02.01.

8.01.03.

Minimum lot size for new subdivisions in Areas of Special Concern shall be determined at the time the Board makes the Critical Area determination.

8.01.04.

The applicant for a new subdivision shall certify, by a valid permit, that any and all existing on-site sewage disposal systems within the boundary of the new subdivision or serving structures within the boundary of the new subdivision meet the requirements of these regulations.

8.02. Existing Subdivisions.

Regulations in effect at the time of subdivision final approval shall govern for five years from that date, unless other regulations are required to protect the public health. After five years from the date of final plat approval the regulations in effect at the time of application for an on-site sewage system permit shall govern.

8.02.01.

The minimum land area requirements shall be determined for each development according to the requirements of the following table.

**Minimum Land Area Requirement
Single Family Residence or Unit Volume of Sewage**

Type of Water Supply	Single-Family Residence or Unit Volume of Sewage					
	Soil Type (defined by WAC <u>246-272A-0220</u>)					
	1	2	3	4	5	6
Public	0.5 acre 2.5 acre ¹	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
Individual, on each lot	1.0 acre 2.5 acres ¹	1 acre	1 acre	1 acre	2 acres	2 acres

¹The local health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:

- (a) The system serves a single-family residence;
- (b) The lot size is greater than two and one-half acres;
- (c) Annual precipitation in the region is less than twenty-five inches per year as described by "*Washington Climate*" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);
- (d) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth requirements to ground water as determined by the local health officer. The method for determination is described by "*Design Guideline for Gravity Systems in Soil Type 1*" (available upon request to the department).

8.02.02.

Requirements for repair or replacement of existing disposal system components that do not meet the horizontal and/or vertical separation requirements shall be governed by the following table unless, in the opinion of the health officer, a significant public health hazard would result.

SECTION NINE: LARGER ON-SITE SYSTEMS

9.01.

Larger on-site systems with a design flow capacity between 3,500 and 14,500 gallons per day shall be reviewed and approved by the Washington State Department of Health (DOH) and the Okanogan County Public Works Department prior to construction of any portion of the system.

9.02.

On-site sewage disposal systems with design flows at any common point greater than 14,500 gallons per day, systems receiving state or federal grants, systems using mechanical treatment and lagoons with ultimate design flows above 3,500 gallons per day, shall be reviewed and approved by the Washington State Department of Ecology (WSDOE) and the Okanogan County Public Works Department prior to construction of any portion of the system.

9.03.

Copies of construction plans and as-built drawings shall be filed with the district and the Okanogan County Public Works Department by the installer.

9.04.

Conditions for system approval requested in writing by the district shall be incorporated as conditions for approval of larger on-site systems by DOH and WSDOE.

SECTION TEN: INSTALLER REQUIREMENTS

10.01.

It shall be unlawful for any person, firm or corporation to engage in construction, alteration, repair or modification of an on-site sewage disposal system within Okanogan County without first obtaining an installer's certificate from the district.

10.02.

Any excavation work associated with installation, alteration, repair, or modification of an on-site sewage disposal system within Okanogan County shall be performed by an installer certified by the district, except nothing contained herein shall prohibit resident owners from installing an individual on-site sewage system or making repairs or alterations when all the following conditions are met:

10.02.01.

The person performing the work must be the resident owner of the residence to be served by the system under construction, repair or modification. The owner may not install an alternative or pressure distribution system unless licensed to do so.

10.02.02.

The person performing the work must reside at the residence served by the system under construction, repair, or modification.

10.02.03.

The person performing the work must satisfy all requirements of this regulation, including obtaining the necessary on site sewage permit, following the appropriate construction standards and obtaining the required inspections from district personnel.

10.02.04.

The resident owner may not use any other person or concern to perform any work on his or her on-site sewage disposal system unless that person is an installer certified in the manner set forth in this section.

10.03.

Initially installers shall be certified by the health district upon satisfactory passing the installers examination conducted by the health district, obtain a score of 70% or higher, and paying the appropriate

fee. Re-certification may be accomplished without examination if the installer has completed one (1) CEU of approved continuing education during the preceding year. See definition of CEU.

10.03.01.

The initial certification fee shall be in accordance with the adopted fee schedule. After March 31 of each year, all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule from 1 January to March 31 of each year. Renewals completed after 1 April of each year shall be billed at twice the current renewal fee. A lapse of over one year since last renewal shall require a re-test before a new certificate shall be provided. An installer's certificate shall not be transferable.

10.03.02.

A valid general contractor's certificate and surety bond in the amount of \$10,000 shall be submitted to the health officer and maintained current during period of validity of the installer's certification. An "Assignment of Account" made out to the Okanogan County Health District in the amount of \$10,000 may be accepted in lieu of the above.

SECTION ELEVEN: SEPTIC TANK PUMPER REQUIREMENTS

11.01.

It shall be unlawful for any person, firm or corporation to engage in cleaning any septic tank, seepage pit or chemical toilet, or removing other accumulations of sewage without first having obtained a pumper's certificate from the district.

11.02

Persons desiring pumper certification shall pass the health district examination for sewage pumpers, obtain a score of 70% or higher and shall pay the appropriate fee established by the current health district fee schedule. Re-certification may be accomplished without examination if the pumper has completed one (1) CEU of approved continuing education during the preceding year. See definition of CEU.

11.02.01.

The applicant shall demonstrate having a certified biosolids disposal site for the septage.

11.02.02.

The applicant shall demonstrate sanitary equipment meeting the following requirements:

11.02.02.01.

The pump tank for septic tank pumping shall be of at least 2,000 gallons in capacity, in good repair, and of cleanable construction. All septic tank pump tanks shall have a manhole for cleaning and shall have 100 gallons or more of fresh water under pressure for sanitary purposes.

11.02.02.02.

All outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit, and all premises served and equipment used shall be left in a clean and sanitary condition.

11.02.02.03.

All discharge valves shall be in good repair, free from leaks and fitted with water-tight caps.

11.02.02.04.

The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A pumper's certificate shall not be transferable.

SECTION TWELVE: DESIGNER REQUIREMENTS

12.01.

The requirements for designer certification are as follows: To be published. On-Site Sewage System Designers are now under the jurisdictional authority of the Washington State Department of Licensing.

12.02.

The health officer may develop and provide to an applicant design information consistent with the requirements of WAC 246-272A.

SECTION THIRTEEN: OPERATION AND MAINTENANCE (O and M)

13.01.

Homeowners utilizing an on-site sewage disposal system shall maintain their system(s) in accordance to the specified operations and maintenance requirements as approved by the Board.

13.01.01.

Conventional gravity systems are to be inspected at least once every three (3) years to ensure that they are functioning correctly and a record of all maintenance, septic tank pump outs, and inspections is to be kept. OCHD will provide O and M packets for the purpose of recording all O and M activity at the request of the homeowner. The O and M inspections performed on conventional gravity on-site sewage disposal systems may be performed by the resident homeowner or a certified O and M specialist.

13.01.02

Alternative on-site sewage disposal systems shall be inspected once per year by a certified O and M specialist. All O and M activity associated with the system shall be recorded by the O and M specialist. Maintenance inspection checklists and O and M packets can be provided by OCHD at the request of the O and M specialist or the system owner.

SECTION FOURTEEN: OPERATION AND MAINTENANCE SPECIALIST

14.01.

It shall be unlawful for anyone to perform operation and maintenance inspections on any on-site sewage disposal system without having first been certified by OCHD. This regulation shall not prohibit a resident homeowner from performing their own O and M inspection on a conventional gravity sewage disposal system.

14.01.01

Examination: Application for an On-Site Maintenance Specialist (O&M) certification shall be made to the District. The applicant shall submit to a written and/or oral examination on design regulations and standards and obtain a score of 70% or higher.

14.01.02

A \$10,000 bond must also be posted and a copy of the bond provided to OCHD.

14.01.03

The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. An O&M certificate shall not be transferable. To renew certification, one (1) continuing Education Unit (CEU) will be required on an annual basis. See definition of CEU.

SECTION FIFTEEN: ENFORCEMENT

15.01.

It shall be unlawful to discharge sewage, including gray water, to surface water, ground water, or upon the surface of the ground.

15.02.

It shall be unlawful to use or maintain a malfunctioning sewage disposal system. Upon the discovery of the existence of such a system, written notice of violation shall be given to the recorded owner and/or occupant of the premises. Upon failure to adequately repair and restore the sewage disposal to proper working order with 10 days of notification, the premises shall be vacated. Failure to so vacate shall constitute an additional violation.

15.03.

All violations of this regulation are determined to be unlawful and declared to be detrimental to the public health, safety and welfare and are public nuisances. Submissions of false or misleading information on an on-site sewage system permit application or violations of the conditions of the permit are considered to be violations of this regulation. All conditions which render any building, structure premises, land use or portion thereof to be used or maintained in violation of this regulation shall be abated if provisions for their continuance made pursuant to this regulation are not satisfied.

15.04

The prosecuting attorney may commence an action to restrain and enjoin acts in violation of this regulation.

15.05.

The director may condemn, according to law, any residence or other establishment which is accumulating or disposing of sewage in a manner contrary to the requirements of this regulation.

15.06.

Violation of any of the provisions of this regulation constitutes a misdemeanor and shall be punishable by a fine of not more than \$500 or 90 days imprisonment. For the purpose of this regulation each section violated shall constitute a separate and distinct offense, and each day's violation shall constitute a separate and distinct offense.

15.07.

In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person who violates this regulation or by each act of commission or omission procures, aids or abets such violation, may be directly assessed a civil penalty in the amount of twenty-five dollars (\$25) for each day of continuous violation, by the health officer until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent violation of the same regulation within any five (5) year period.

SECTION SIXTEEN: APPEALS

Decisions of the director may be appealed to the board. Appeals must be made in writing to the director within 10 working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting. Any variations from this regulation resulting in requirements less stringent than those found in Chapter 246-272A WAC shall be determined consistent with the standards in, and the intent of, the rules by the Local Health Officer.

SECTION SEVENTEEN: VARIANCES

The local health officer may issue variances from this regulation or portions thereof on a site by site basis, provided the variance is consistent with the intent of this regulation, no public health hazard will result from said variance, and the variance will not violate the requirements of Chapter 246-272A WAC. Any

variance from the requirements of Chapter 246-272A WAC must be consistent with the waiver procedures of the Washington State Department of Health.

SECTION EIGHTEEN: SEVERABILITY

In the event any section, subsection, or other portion of this regulation is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate provision of this regulation and such designation shall not affect the validity of the remaining portions of this regulation.

SECTION NINETEEN: REPEALER

This regulation supersedes Okanogan County Ordinance No. 85-1, repealed by the Okanogan County Board of Commissioners and Okanogan County Health District On-Site Sewage Disposal Regulations adopted October 13, 1987, repealed by the Okanogan County Health District Board of Health.

SECTION TWENTY: SUSPENSION/REVOCAION OF LICENSES

20.03.03.

An installer/pumper/O&M specialist certificate may be suspended by the director for a period not to exceed sixty (60) days for incompetence, negligence, misrepresentation, or the installation, repair or modification of a system for which a permit has not been previously obtained, or for failure by the holder to comply with any other requirement of this regulation.

20.04.

An installer/pumper/O&M specialist certificate shall be revoked by the director for a period not to exceed one year for serious or repeated violations of any of the requirements of this regulation, using the following procedure:

20.04.01.

The director shall notify the installer in writing, stating the reasons for which the installer/pumper/O&M specialist certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for hearing is filed with the district by the holder of the installers certificate within the ten (10) day period.

20.04.02.

The director shall schedule a hearing of an appeal by the installer with the board at their next regularly scheduled meeting.

20.04.03.

The director may suspend the installer/pumper/O&M specialist certificate pending the hearing with the board.

20.04.04.

Any installers/pumpers/O&M specialists whose certificate has been revoked will be required to take the written examination again before issuance of a new installer/pumper/operations and maintenance specialist certificate.

20.05.

It shall be unlawful for installers/pumpers/O&M specialists to engage in construction, alteration, repair or modification of an on-site sewage disposal system within Okanogan County during the period his or her certificate is revoked or suspended.

SECTION TWENTY ONE: EFFECTIVE DATE

This regulation shall be effective ten (10) days following adoption by the board and approval from the Washington State Department of Health.