

Chapter 12.05
ON-SITE SEWAGE CODE—RULES AND REGULATIONS

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12.05.010 Purpose, objectives and authority.

~~(1) Refer to WAC 246-272A-0001.~~

~~(2)~~ (1) The purpose of this Chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

~~(3)~~ (2) This Chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent ~~disposal~~ dispersal; and

(b) Limit the discharge of contaminants to waters of the State.

~~(4)~~ (3) This Chapter is adopted by the Skagit County Board of Health in accordance with the authority granted in Chapter 70.05 RCW.

12.05.020 Administration.

~~The Skagit County Health Officer and the Skagit County Board of Health shall administer t~~ This Chapter under shall be administered under the authority and requirements of Chapters 43.70, 70.05, 70.118 and 70.118A RCW and the Skagit County on-site sewage system management plan. As authorized ~~Under~~ RCW 70.05.060(7), fees may be charged for ~~this~~ the costs of administration.

12.05.025 On-site sewage systems rules and regulations adopted.

~~These rules and regulations hereby adopt as minimum requirements Chapter 246-272A WAC, State Board of Health on-site sewage system rules and regulations, as now codified~~ enacted or hereafter amended, is adopted by reference. ~~When Should a any section of these regulations this chapter conflict~~ ~~conflicts~~ with the Chapter 246-272A WAC, the more restrictive regulation shall apply.

12.05.030 Definitions.

~~(1) Terms and acronyms~~ acronyms ~~used in this regulation shall have the meaning provided in WAC 246-272A-0010, hereby~~ are adopted by reference. ~~unless otherwise provided below.~~

~~(2)~~ (1) ~~Additional~~ Acronyms used in this Chapter:

~~"ANSI" means American National Standards Institute.~~

~~"BOD" means biochemical oxygen demand, typically expressed in mg/L.~~

~~"CBOD_s" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.~~

"CEU" means continuing education unit, which is eight hours of Health Officer approved classroom training.

~~“FC” means fecal coliform, typically expressed in number colonies/one hundred (100) ml.~~

~~“LOSS” means a large on-site sewage system (see Chapter 246-272B WAC).~~

~~“NSF” means National Sanitation Foundation International.~~

~~“O&G” (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.~~

~~“O/M” means operations and maintenance.~~

~~“OSS” means on-site sewage system.~~

~~“SCC” means Skagit County Code.~~

~~“OSS” means on-site sewage system.~~

~~“RS&G” means recommended standards and guidance.~~

~~“SSAS” means a subsurface soil absorption system.~~

~~“TAC” means the technical advisory committee established in WAC 246-272A-0400.~~

~~“TN” means total nitrogen, typically expressed in mg/L.~~

~~“TSS” means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.~~

~~“USEPA” means United States Environmental Protection Agency.~~

~~(32) Additional Definitions used in this Chapter:~~

~~“Additive” means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.~~

~~“Approved” means a written statement of acceptability issued by the local Health Officer or the Department.~~

~~“Abandoned septic tank” is a septic tank that is no permanently taken out of longer in service.~~

~~“Area of special concern” means an area of definite boundaries delineated through public process, where the Health Officer determines additional requirements for on-site sewage systems which may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.~~

~~“Bed” means a soil dispersal component consisting of an excavation with a width greater than three (3) feet.~~

~~“Board of Health” means the Skagit County Board of Health defined in Chapter 70.05 RCW.~~

~~“Building sewer” means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.~~

"Campground" means an area of land developed for recreational use in temporary occupancy, such as two (2) or more tents and/or recreational vehicles.

"Certified" means approved by the Health Officer to have met qualifications established by these rules and regulations to practice as a pumper, installer or operations and maintenance specialist in Skagit County.

~~"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.~~

~~"CEU (continuing education unit)" means eight (8) hours of Health Officer approved classroom (training) time.~~

~~"Conforming system" means any on-site sewage system or component meeting any of the following criteria:~~

- ~~(a) In full compliance with new construction requirements under this Chapter; or~~
- ~~(b) Approved, installed and operating in accordance with requirements of previous editions of this Chapter; or~~
- ~~(c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.~~

"Closed record hearing or appeal" means a proceeding based upon the existing record.

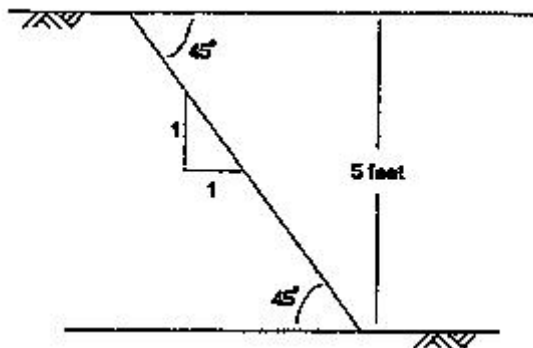
"Conventional gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

"Conventional pressure distribution system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

~~"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten (10) percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.~~

~~"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred (100) percent (forty-five (45) degrees) and extending vertically at least five (5) feet from the toe of the slope to the top of the slope as follows:~~



~~“Department” means the Washington State Department of Health.~~

~~“Designer” means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this Chapter this term applies to both on-site sewage treatment system designers licensed under Chapter 18.210 RCW and professional engineers licensed under Chapter 18.43 RCW.~~

~~“Design flow” means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four (24) hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.~~

~~“Development” means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or similar activity resulting in the production of sewage.~~

~~“Disinfection” means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.~~

~~“Distribution technology” means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.~~

~~Drain Field. See “subsurface soil absorption system (SSAS)” and “soil dispersal component.”~~

~~“Drainrock” means clean, washed gravel or crushed rock ranging in size from three-quarters (3/4) inch to two and one-half (2 1/2) inches, and containing no more than two (2) percent by weight passing a US No. 8 sieve and no more than one (1) percent by weight passing a US No. 200 sieve.~~

~~“Dump station” means an area used for emptying recreational vehicle wastewater holding tanks.~~

~~“Effluent” means liquid discharged from a septic tank or other on-site sewage system component.~~

~~“Expanding clay” means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.~~

~~“Expansion” means a change in a residence, facility, site, or use that:~~

~~(a) Causes the sewage quantity or quality to exceed existing design flow of the on-site system, for example, when a residence is increased from two (2) to three (3) bedrooms or a change in use from an office to a restaurant; or~~

~~(b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.~~

~~“Extremely gravelly” means soil with sixty (60) percent or more, but less than ninety (90) percent, rock fragments by volume.~~

~~“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.

“Fecal coliform” means bacteria common to the digestive systems of warm blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per one hundred (100) ml.

“Gravelly” means soils with fifteen (15) percent or more, but less than thirty five (35) percent, rock fragments by volume.

“Gray water” means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

“Ground water” means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

- (a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.
- (b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see “Water table.”

[“Health Department” means Skagit County Public Health.](#)

“Health Officer” means the Health Officer of Skagit County within the State of Washington, or a representative authorized by and under the direct supervision of the Health Officer, ~~as defined in Chapter 70.05 RCW.~~

“Holding tank sewage system” means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

“Hydraulic loading rate” means the amount of effluent applied to a given treatment step, in this Chapter expressed as gallons per square foot per day (gal./sq. ft./day).

“Industrial wastewater” means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

~~“Infiltrative surface” means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.~~

~~“Installer” means a person approved by a Health Officer to install or repair on-site sewage systems or components.~~

~~“Maintenance” means the actions necessary to keep the on-site sewage system components functioning as designed.~~

“Management Plan” means the Skagit County On-site Sewage Management Plan.

~~“Manufactured home” means a structure built on a permanent chassis, transported to its site in one (1) or more sections, and affixed to a permanent foundation. Manufactured home does not include recreational vehicles.~~

~~“Manufactured or mobile home park” means a single lot of record, under the ownership or management of one (1) person, firm, or corporation, for the purposes of locating two (2) or more mobile or manufactured homes for residential dwelling purposes. It does, not include a mobile or a temporary manufactured home that meets the definition of a temporary mobile or manufactured home under this Chapter.~~

~~“Marine recovery area” means an area of definite boundaries where the Health Officer, or the Washington State Department of Health, in consultation with the Health Officer, determines that additional requirements for existing on-site sewage disposal systems may be necessary to reduce potential failing systems or minimize negative impacts of on-site sewage disposal systems.~~

~~“Massive structure” means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into beds of any kind.~~

~~“Moderate structure” means well formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.~~

~~“Monitoring” means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.~~

~~“On-site sewage system (OSS)” means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and disposal of sewage. It consists of a collection system, a treatment component or treatment sequence and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.~~

“Open record hearing or appeal” means a proceeding where new information relevant to the matter can be introduced.

“Operations and maintenance specialist” means a person certified by the Health Department to independently inspect an OSS systems.

~~“Operating capacity” means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.~~

“Ordinary high water mark” means the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of the ordinance codified in this Chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high water mark cannot be found:

(a) The ordinary high water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high water mark adjoining freshwater is the line of mean high water.

“Ped” means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

“Person” means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

“Planned unit development” means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

“Platy structure” means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

“Pressure distribution” means a system of small diameter pipes equally distributing effluent throughout a SSAS as described in the Department’s “Recommended Standards and Guidance for Pressure Distribution Systems,” July 1, 2007, or subsequently adopted edition. A subsurface drip system may be used wherever this Chapter requires pressure distribution.

“Proprietary product” means a sewage treatment and distribution technology, method, or material subject to a patent.

“Public sewer system” means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the Department of Ecology, the Department of Health and/or the Health Officer.

“Pumper” means a person approved by the Health Officer to remove and transport wastewater or septage from on-site sewage systems.

“Record drawing” means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate and maintain the system.

“Repair” means relocation, replacement, or reconstruction of a failed on-site sewage system.

“Reserve area” means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

~~“Residential sewage” means sewage having the constituency and strength typical of wastewater from domestic households.~~

“Residential sewage ~~ef~~influent” means ~~effluent~~influent that does not exceed a five (5) day biochemical oxygen demand (BOD₅) of two hundred thirty (230) milligrams per liter, total suspended solids of one hundred forty-five (145) milligrams per liter and fats, greases and oils of twenty (20) milligrams per liter.

~~“Restrictive layer” means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.~~

~~“Rock fragment” means rock or mineral fragments having a diameter of two (2) millimeters or more; for example, gravel, cobbles, stones, and boulders.~~

~~“SCC” means Skagit County Code.~~

~~“Seepage pit” means an excavation more than three (3) feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called “dry wells.”~~

~~“Septage” means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.~~

~~Septic System. See “On-site sewage system” or “OSS.”~~

~~“Septic tank” means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.~~

~~“Sewage” means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.~~

~~“Sewage quality” means contents in sewage that include:~~

~~(a) CBOD₅, TSS, and O&G;~~

~~(b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;~~

~~(c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.~~

~~“Sewage tank” means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.~~

~~“Soil dispersal component” means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.~~

~~“Soil log” means a detailed description of soil characteristics providing information on the soil’s capacity to act as an acceptable treatment and disposal medium for sewage.~~

~~"Soil scientist" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.~~

"Soil type" means one (1) of seven (7) numerical classifications of fine earth particles and coarse fragments as described in Chapter 246-272A WAC and this Chapter.

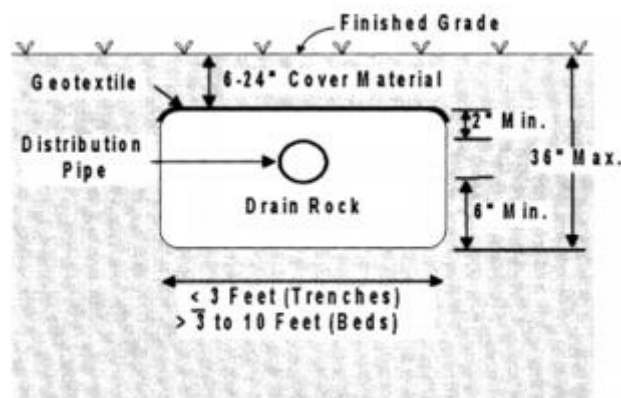
~~"Standard methods" means the 20th Edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.~~

~~"Strong structure" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.~~

~~"Subdivision" means a division of land or creation of lots or parcels, described under Chapter 58.17 RCW, including both long and short subdivisions, planned unit developments, and mobile home parks.~~

~~"Subsurface drip system" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's "Recommended Standards and Guidance for Subsurface Drip Systems."~~

~~"Subsurface soil absorption system" or "SSAS" means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this Chapter, with either gravity or pressure distribution of the treatment component effluent.~~



~~"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.~~

~~"Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.~~

"Temporary manufactured home" means the temporary placement of one manufactured home on a parcel with an existing residence to accommodate the housing needs of disabled or elderly family members or to house one farm worker and his/her immediate family.

"Training" means education or field experience in a subject area.

“Treatment component” means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

“Treatment level” means one (1) of six (6) levels (A, B, C, D, E, and N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-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.

“Treatment sequence” means any series of treatment components that discharges treated sewage to the soil dispersal component.

“Trench” means a soil dispersal component consisting of an excavation with a width of three (3) feet or less.

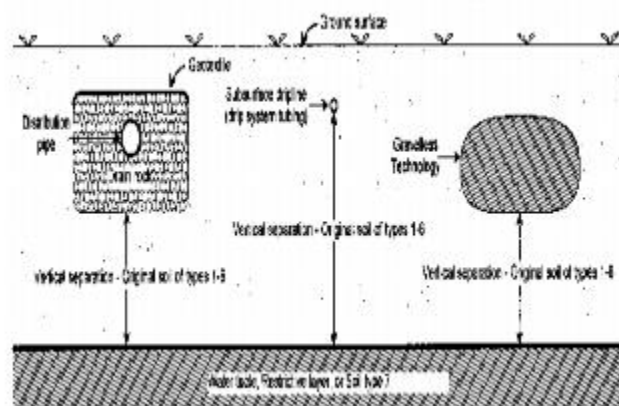
“Unit volume of sewage” means:

(a) Flow from a single family residence;

(b) Flow from a mobile home site in a mobile home park; or

(c) Four hundred fifty (450) gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

“Vertical separation” means the depth of unsaturated, original, undisturbed soil of soil types 1 through 6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7, as illustrated below by the profile drawing of a subsurface soil absorption system:



“Very gravelly” means soil containing thirty five (35) percent or more, but less than sixty (60) percent, rock fragments by volume.

“Water recreation facilities” means any artificial basin or other structure containing water used or intended to be used by the public for recreation, bathing, relaxation or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 246-262

WAC;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets

“Water table” means the upper surface of the ground water whether permanent or seasonal. Also see “Ground water.”

“Well” means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

(a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;

(b) An observation or monitoring well used to measure the effect of an OSS on a water table; and

(c) Interceptor or curtain drain constructed to a lower water table. (Ord. 020110012 Att. A (part); Ord. 020070010 (part); Ord. 17443 (part), 1999; Ord. 16438 (part), 1997)

~~12.05.035 — Local management and regulation.~~

~~Refer to See WAC 246-272A-0015.~~

Article I. General Requirements

12.05.040 Applicability.

~~(1) Refer to WAC 246-272A-0020.~~

~~(2) The provisions of this chapter shall be applicable to: Health Officer has authority and approval over:~~

~~(a) Systems-OSS treating sewage and dispersing effluent from residential sources with design flows through any common point up to three thousand five hundred (3,500) gallons per day;~~

~~(b) OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of nonresidential sources;~~

~~(b) Any large on-site sewage system (LOSS) for which jurisdiction has been transferred to Skagit County from the Department by contract.~~

12.05.045 Connection to public sewer system.

~~(1) Refer to See WAC 246-272A-0025.~~

~~(2) This Section shall not apply to properties where connection to a public sewer system is prohibited by land use or development regulations.~~

Article II. Sewage Products and Technologies

12.05.050 Sewage treatment and distribution technologies.

(1) Only the following treatment and distribution technologies may be permitted for use with on-site septic sewage systems: Refer to WAC 246-272A-0100 through 246-272A-0150 shall.

~~(2)(a) Pursuant to WAC 246-272A-0100, recommended standards and guidance (RS&G) as developed by the Washington State Department of Health for testing, performance, application, design and operation and maintenance for p~~Proprietary treatment, bacteriological reduction and distribution distribution products technologies that are registered with the Washington State Department of Health. are hereby adopted.

~~(3)~~(2) The Health Officer may require performance monitoring or sampling of any proprietary device or method.

12.05.060 Product development permits.

Refer to See WAC 246-272A-0170.

~~12.05.085 Similk Beach LAMIRD.~~

The following shall apply to properties within the boundaries of the Similk Beach LAMIRD:

~~(1) On-site sewage system owners are required to:~~

~~(a) Meet the requirements of SCC 12.05.160; or~~

~~(b) Have the OSS inspected more frequently as determined by the Health Officer; and~~

~~(2) If the OSS is found to be in failure, the OSS owner shall repair the failure within thirty (30) days. Extension of the thirty (30) day connection date may be granted only with the written approval of the Skagit County Health Officer. (Ord. O20110012 Att. A (part); Ord. O20070010 (part); Ord. O20020006 (part))~~

12.05.090 Permit requirements.

(1) Refer to See WAC 246-272A-0200.

(2) Permits for installation of a new OSS will expire three years after the date issued.

(a) Upon application, a new OSS installation permit may be extended for an additional three years.

(b) Only one extension is allowed.

(3) Permits for repairs to an OSS will expire one year after the date issued.

(4) Upon expiration of a permit to install a new or make a repair to an OSS, a new permit application is required.

12.05.100 Location.

Refer to See WAC 246-272A-0210.

12.05.110 Soil and site evaluation.

(1) (1) Refer to See WAC 246-272A-0220.

(2) When insufficient information is available to determine the highest seasonal water table, persons performing soil and site evaluations shall measure and document The Health Officer shall require water table measurements

~~to be documented during the wet season, if insufficient information is available to determine the highest seasonal water table.~~

12.05.120 Design requirements—General.

(1) ~~Refer to~~ [See](#) WAC 246-272A-0230.

(2) ~~The Health Officer shall require that a~~ On-site sewage systems [shall](#) be designed ~~only~~ by engineers licensed under Chapter 18.43 RCW or on-site ~~sewage~~ [wastewater](#) treatment system designers, licensed under Chapter 18.210 RCW.

(3) Designers and engineers shall verify previously approved soil and site evaluations prior to design to assure conditions have not changed and the soil and site evaluations contain accurate information.

(4) A resident owner of a single-family residence may design an on-site sewage ~~treatment~~ system for their residence only when the following applies:

(a) The OSS is a conventional gravity ~~system~~, or pump-to-gravity system; ~~and~~

(b) The resident owner of the single-family residence has not designed more than ~~two (2)~~ [one](#) on-site sewage treatment systems in a ~~a~~ [the preceding](#) five ~~(5)~~ year period; ~~and~~

(c) The property is not adjacent to a marine shoreline; ~~and~~

(d) ~~Written approval by the Health Officer is obtained before designing the OSS~~ [The resident owner certifies that the design was not prepared by any other person.](#)

(5) When proposing the use of an OSS for nonresidential sewage, the designer shall provide to the Health Officer:

(a) ~~Information to show~~ [Documentation showing](#) the sewage is not industrial wastewater;

(b) ~~Information to~~ [Documentation](#) establishing the sewage's strength characteristics (BOD₅, total suspended solids, and fat, grease and oil levels) and ~~identification of~~ [chemicals found in the sewage that are not found in residential sewage; and](#)

(c) A design providing treatment equal to that required of residential sewage "effluent."

(6) ~~The Health Officer~~ [property owner](#) shall ~~require a notice to be recorded~~ [a notice with](#) [notice with](#) the County Auditor whenever a design contains a proprietary treatment product (PTP) ~~listed~~ [that is registered](#) by the Washington State Department of Health, ~~that requires a perpetual operation and maintenance contract.~~

12.05.122 Design requirements—Septic tank sizing.

(1) ~~Refer to~~ [See](#) WAC 246-272A-0232(1).

(2) [In lieu of the volumes listed in Table VII of WAC 246-272A-0232\(2\).](#) ~~S~~ septic tanks [for single family residences](#) shall have the following minimum liquid volumes:

(a) For a single-family residence use the following table (in lieu of the volumes listed in Table VII of WAC 246-272-0232(2)):

~~Required Minimum Liquid Volumes of Septic Tanks~~

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤ 3	1,000
4	1,250
Each Additional Bedroom	250

12.05.125 Design requirements—Soil dispersal components.

(1) Refer ~~See~~ to WAC 246-272A-0234.

~~(2) Loading rates in Table VIII of WAC 246-272A-234(1)(d)(i) may be increased up to a factor of two (2) for soil types 1 through 4 and up to a factor of one and one-half (1.5) for soil types 5 and 6 if a product tested to meet at least treatment level D or better is used.~~

~~(3) Reserve areas cannot be between trenches unless authorized by the Health Officer. (Ord. 020070010 (part))~~

12.05.127 Design requirements—Facilitate operation, monitoring and maintenance.

(1) Refer ~~See~~ to WAC 246-272A-0238.

(2) ~~For systems using pumps, d~~ Diagnostic tools, such as including dose-cycle counters and hour meters on the sewage stream, or flow meters on both the water supply and sewage stream are required for systems using pumps.

12.05.130 Holding tank sewage systems.

(1) Refer ~~See~~ WAC 246-272A-0240.

(2) Holding tank sewage systems may be used only if they meet the ~~DOH~~ Department of Health's RS&G recommended standards and guidance for holding tank sewage systems.

12.05.140 Installation.

(1) Refer ~~See~~ to WAC 246-272A-0250.

(2) A resident owner of a single-family residence may install an on-site sewage treatment system for their residence only when the following applies:

(a) The OSS is a conventional gravity system and may include pumps to a conventional drain field;

(b) The single-family resident/property owner ~~is limited to installing no~~ has not installed more than ~~two (2)~~ one installations in any consecutive five (5) on-site sewage treatment system in the preceding five years ~~period~~; and

~~(c) Written approval by the Health Officer is obtained before installation.~~ The resident owner certifies he will advise the Health Department if any installation work will be completed by someone other than the owner.

12.05.150 Inspection.

(1) ~~Refer~~ See to WAC 246-272A-0260.

~~(2) The person responsible for the construction inspections shall assure the OSS meets the approved design.~~

~~3) (2) The OSS designer shall be responsible for inspecting the final construction and assuring the OSS meets the approved OSS design, except however, gravity, gravity systems may be inspected by a person responsible the installer of record. other than the OSS designer.~~

(3) All installations must be inspected by the Health Department prior to backfilling, except when the installer of record receives written permission from the Health Department.

12.05.155 Record drawings.

(1) ~~Refer~~ See to WAC 246-272A-0265.

(2) The record drawing shall be the responsibility of the designer of record.

(3) In addition to the requirements set out in WAC 246-272A-0265, the record drawing shall contain:

~~(2) The record drawing shall contain:~~

(a) A permanent landmark, such as a property corner, structure, or geologic feature, by which the OSS can be located at a future date; and

(b) A north arrow; and

(c) Horizontal scale bars at a scale appropriate to fill a minimum 8-1/2" x 11" drawing.

12.05.160 Operation, monitoring and maintenance.

~~(1) (1) Refer to~~ In addition to the requirements set out in WAC 246-272A-0270.

~~(2) Owners of on-site sewage systems with proprietary treatment products are required to:~~

~~(a) Maintain a current service contract; and~~

~~(b) Ensure the OSS is inspected by an operations and maintenance specialist certified under SCC 12.05.230(6) and~~
~~(7) annually, or more frequently as determined by the Health Officer.~~

(2) Before any property transfer, An an operations and maintenance inspection is required at the time of property transfer must be completed by a certified O/M specialist, except when:-

(a) An O/M inspection has been completed within six months prior to the property transfer, or

(b) When The house has been vacant for more than two years.

~~(3) A copy of the operations and maintenance inspection report shall be provided to the buyer and Health Officer.~~

(4) Any person performing operations and maintenance inspections must meet the requirements of SCC 12.05.230(6) or (7).

12.05.163 Operation, monitoring and maintenance—Special requirements.

(1) Food service establishments served by an OSS regulated by the Health Department shall:

(a) Have inspections of the OSS once every calendar year; and

(b) Obtain Health Department approval for continued use of the OSS if Health Department inspections or plan reviews document the potential for quality or quantity changes to the establishment's sewage flow.

(2) The following facilities served by an OSS require Health Department permitting and O/M inspections every calendar year:

(a) Campgrounds and

(b) mobile home parks will obtain a Health Department permit that requires annual inspections of their OSS systems.

(c) Water recreation facilities other than natural bathing waters subject to chapter 246-260 WAC and chapter 246-262 WAC.

12.05.167 Areas of special concern and marine recovery areas.

~~(1) The local Board of Health in consultation with the Department shall hold public hearing(s) to identify and delineate areas of special concern or marine recovery areas and determine appropriate action to minimize public health risk. The board shall cause notice of the hearing(s) to be published in the County newspaper of record at least thirty (30) days before the hearing date. The public may submit written comment and/or give testimony during said hearing(s).~~

(2) The Health Officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

(a) Shellfish protection districts or shellfish growing areas;

(b) Sole source aquifers designated by the U.S. Environmental Protection Agency;

(c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington Growth Management Act, RCW 36.70A.170;

(d) Designated public water supply wellhead protection areas;

(e) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, Chapter 70.90 RCW;

(f) Areas designated by the Department of Ecology as special protection areas under WAC 173-200-090, Water Quality Standards for Ground Waters of the State of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency or designated under the Washington State Growth Management Act, Chapter 36.70A RCW;

(i) Areas where nitrogen has been identified as a contaminant of concern; and

(j) Other areas designated by the local Health Officer.

(3) ~~The permit-issuing authority~~ [Permits issued by the Health Department](#) may impose more stringent requirements ~~on~~ on new development, and ~~corrective measures~~ [repairs, or renewals](#) to protect public health ~~upon existing developments~~ in areas of special concern or marine recovery areas, including:

(a) Additional location, design, and/or performance standards for OSS;

(b) Larger land areas for new development;

(c) Prohibition of development;

(d) Additional operation, maintenance, and monitoring of OSS performance;

(e) Requirements to upgrade existing OSS;

(f) Requirements to abandon existing OSS; and

(g) Monitoring of ground water or surface water quality.

(4) Within areas of special concern or marine recovery areas, ~~to reduce risk of system failures,~~ an OSS owner is required to have a person approved or designated by the Health Officer to:

(a) Inspect their OSS pursuant to WAC 246-272A-0270 and SCC 12.05.160; and

(b) Submit an on-site sewage system report to the Health Officer and the property owner within thirty (30) days following the inspection; and

(c) Immediately report failures to the Health Officer.

12.05.168 Marine recovery areas adopted.

~~The Board of Health adopts~~ [Designated](#) marine recovery areas as identified ~~are listed~~ in the [Skagit County On-site Sewage System Management Plan, as now enacted or hereafter](#) ~~current and subsequently amended, Skagit County On-site Sewage Management Plan.~~

12.05.170 Repair of failures.

~~Refer~~ [See](#) to WAC 246-272A-0280.

12.05.180 Expansions.

(1) ~~Refer~~ [See](#) to WAC 246-272A-0290.

(2) ~~The Health Officer may allow expansion of an existing on-site sewage system adjacent to a fresh water shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high water mark provided such expansion meets the requirements in WAC 246-272A-290(2).~~

12.05.190 Abandonment.

(1) ~~Refer to WAC 246-272A-0300.~~ Persons permanently abandoning a septic tank, seepage pit, cesspool or other sewage container shall:

(a) Have the septage removed by an approved pumper;

(b) Remove or destroy the lid; and

(c) Fill the void with soil or gravel.

(2) A septic tank, seepage pit, cesspool or other sewage container is required to be permanently abandoned when property structures are connecting to a public sewer system, except when the tank or container is a functional component of the connection to the public sewer system.

(3) If the septic tank, seepage pit, cesspool or other sewage container is taken out of service, but not permanently abandoned, the property owner shall:

(a) Have the septage removed by an approved pumper;

Pump any septage from the septic tank,

(b) Secure the tanks to prevent access.

(c) Notify the Health Department within 30 days of the septic tank's removal from service.

~~(2) The person responsible for abandoning a septic tank shall notify the Health Officer of their intent to abandon the septic tank.~~

~~(a) The Health Officer may inspect the abandonment to determine if it could interfere with installation of a new OSS.~~

~~(b) The septage pump report shall be submitted to the Skagit County Health Department.~~

12.05.200 Septage management.

~~(1) Refer to In addition to the approval and requirements under WAC 246-272A-0310.~~

~~(2) Persons removing septage from an OSS shall:~~

~~(a) (1) Submit monthly reports on forms approved by the Health Officer; that record septage removal and disposal;~~

~~(b) (2) Dispose of septage directly into a:~~

(a) sewage treatment works where the septage is treated through the wastewater treatment plant system.

(b) facility or by other a means that are permitted by the Skagit County Health Department as detailed in authorized under chapter 12.16 SCC.

12.05.210 Developments, subdivisions and minimum land area requirements.

~~(1) Refer See to WAC 246-272A-0320.~~

(2) Occupancy of a building requiring an OSS shall not occur until the septic system has been installed and approved for use.

~~(2)~~(3) Additional Requirements for Land Divisions.

(a) Drainfields and reserve areas for subdivisions that will use OSS systems shall be shown-depicted on the plat map prior to final plat approval.

(b) Transport lines that are located for off-site for OSS systems shall be installed prior to final plat approval.

(3)(c) The Health Officer shall require complete installation of the Lines for public sewerage sewer and stubs to each parcel shall be installed system prior to final plat approval. of a development or permitted use (as defined by this Chapter and Chapter 14.01SCC).

~~(5)~~(4) As an alternative to construction of transport lines that are for off-site for OSS systems; and or public sewer transport lines and stubs for public sewer to each parcel, the developer may provide a performance bond in favor of the Health Department and sign an agreement with the Health Department. The bond and agreement shall meet the following conditions:

(a) Guarantee that construction will be completed within one ~~(1)~~ year of the date of the approval of the agreement or other time frame as agreed upon with the Health Department;

~~(b) The bond or assignment of savings shall be on a satisfactory form and in an amount based on an estimate prepared by a professional engineer or certified designer plus thirty five (35) percent~~35%. (This percentage is made up of 20% (twenty (20) percent for a two (2) year inflationary period, ten (10) percent 10% for contract expenditures and five (5) percent 5% for administrative costs);

(c) Be to the satisfaction of the Health Officer and legal counsel for Skagit County;

(d) Release of the bond or assignment will occur only after:

(i) The engineer or certified designer has submitted and signed a record drawing;

(ii) The engineer or certified designer states that the installation and testing meets Chapter 14.06 SCC or other appropriate construction regulations or guidelines;

(iii) The construction, where appropriate, has been inspected and approved by all jurisdictional agencies or municipalities;

~~(e) The developer/owner shall ensure the requirements of this Section are fulfilled before use of any completed project.~~

12.05.220 Campground—Holding tanks.

(1) Campgrounds providing dump stations must ensure:

(a) The dump station is directly plumbed to a ~~municipal~~public sewer system; or

(b) The wastewater goes to a holding tank that is emptied by a ~~licensed~~certified septic tank pumper into a ~~municipal~~public sewer system.

- (2) Dump stations for ~~recreational~~ vehicle holding tanks shall have the following:
- (a) Four ~~(4)~~ inch sewer inlet pipe that is properly trapped; and
 - (b) Concrete apron sloped to the drain and ~~provided~~ protected ~~with~~ by a self-closing, hinged cover; and
 - (c) Water outlet and hose, equipped with a backflow prevention device.
- (i) Sign posted near the water outlet indicating that this water is for flushing and cleaning purposes only.
- (3) If a dump station is not provided, the location of the nearest recreational vehicle dump station must be conspicuously posted at the entrance of the campground.

12.05.230 Certification of installers, pumpers, and operations and maintenance specialists.

- (1) Refer ~~See~~ to WAC 246-272A-0340.
- (2) Except as authorized under SCC 12.05.120 and SCC 12.05.140, ~~Any~~ person engaged in the practice of sewage system installation, pumping, operation, monitoring or maintenance ~~in Skagit County~~ shall be certified by the Health Officer ~~Department~~ Department, ~~except single family resident owners:~~
- ~~(a) Designing conventional gravity or pump to gravity systems per SCC 12.05.120; or~~
 - ~~(b) Installing conventional gravity or pump to gravity systems per SCC 12.05.140.~~
- (3) A certificate ~~for an installer or pumper~~ shall:
- (a) Be issued for the calendar year;
 - (b) Not be transferable;
 - (c) Be renewed yearly by December 31st; and
 - (d) Not be issued or renewed if the applicant is found by the Health Officer to be in violation of any of the provisions of this Chapter.
- (4) On-Site Sewage System Installer. An installer applicant shall:
- (a) Submit an approved application form provided by the Health Officer Department; ~~and~~
 - (b) Pass a written examination approved by the Health Officer; ~~and~~
 - (c) Demonstrate any combination of education or field experience training that is determined by the Health Officer to be equivalent to ~~one (1) of the following:~~
 - (i) Two ~~(2)~~ years of full-time equivalent employment within the last preceding five ~~(5)~~ years as an approved installer in any other Washington ~~S~~tate health jurisdiction; or
 - (ii) Four ~~Eight~~ (4) continuing education CEUs credit units of Health Officer approved classes applicable to OSS installation; ~~and~~
 - (d) Provide written verification of education or experience; ~~and~~

(e) Provide evidence of compliance with the State of Washington Department of Labor and Industries requirements for the registration of contractors as found in Chapter 18.27 RCW;

(f) Document one CEU of Health Officer approved training within the previous twelve months when applying to renew a certificate; and

~~(f)~~(g) Pay all fees applicable to installer certification.

(5) Applicants for certification as an OSS pumper to pump septage from an on-site sewage system, holding tank, or portable toilet ~~On-Site Sewage System Pumper. A pumper applicant shall:~~

(a) Submit an approved application on a form provided by the Health Officer~~Department~~; and

(b) Pass a written or field examination approved by the Health Officer;

~~(c) Attend one (1) Skagit County Health Department approved OSS class; and~~

(c) Demonstrate any combination of training that is determined by the Health Officer to be equivalent to:

(i) Six months of full-time employment within the preceding three years as a certified septic system pumper in any other Washington state health jurisdiction.

(ii) One CEU of Health Officer approved training applicable to septage pumping, transportation and disposal.

(d) Provide a performance bond executed by a surety company that meets the following requirements: ~~on a form approved by the prosecuting attorney. The bond shall:~~

(i) Be in a sum of ~~four~~twenty thousand dollars ~~(\$4,000)~~; and

(ii) Be executed by a surety company authorized to do business in the State of Washington;

~~and~~

(iii) Be conditioned that the holder of the pumper's certificate, in performing work governed by these rules and regulations, shall exercise all reasonable care and skill and shall comply with all the terms and conditions of ~~these and all other applicable rules~~laws, ordinances and regulations and cover the cost of clean-up of accidental or improper discharges of septage; and

(iv) Be kept in effect during the period of time for which the pumper's certificate is issued; and

(v) Remain in force for one ~~(1)~~-year following cancellation of or termination of a pumper's certificate; and

(vi) Be in a form satisfactory to the Skagit County Prosecuting Attorney.

~~(vi) Automatically and without notice cause the suspension of the pumper's certificate upon cancellation or termination; and~~

(e) Provide written verification of pumper applicant requirements listed in this Subsection; and

(f) Pay all fees applicable to pumper certification.

(6) Applicants for certification as an Operations and Maintenance Specialist shall:

~~(a) Initial Application. Any person who operates a service for the purpose of inspecting, monitoring or maintaining an OSS who is not the OSS owner shall meet the following initial application requirements:~~

~~(i)~~ (a) Apply for certification on a form provided by the ~~Submit an approved application form provided by the Health Officer; and~~ Department;

~~(ii)~~ (b) Successfully pass an examination ~~written examination~~ approved by the Health Officer; and

~~(iii)~~ (c) Demonstrate any combination of education or field experience ~~training~~ that is determined by the Health Officer to be equivalent to ~~one (1) of the following:~~

~~(i) (A) Four (4) CEUs of Health Officer approved classroom or field training;~~

~~(ii) time related to the operation, monitoring or maintenance of OSS systems within the last five (5) years; or~~

~~(B) (ii) Thirty-two hours of training related to the operation, monitoring or maintenance of OSS within the preceding five years.~~

~~(iii) Two (2) years' experience providing OSS operation, monitoring and maintenance services within the last preceding five (5) years; and~~

~~(iv) Provide written verification of the operations and maintenance specialist's initial application requirements listed in this Subsection.~~

~~(b)~~ (d) Document one CEU of Health Officer approved classroom or field training instruction within the previous twelve months when applying to renew a certificate.

~~Renewal Application. Any person who has met requirements in Subsection (6)(a) of this Section must renew their application annually. Renewal applications must include:~~

~~(i) Verification of one (1) CEU of Health Officer approved classroom or field training within the previous twelve (12) months; and~~

~~(ii) Verification of one (1) CEU of Health Officer approved classroom or field training for each employee performing operation, monitoring and maintenance inspections; and~~

~~(iii) List all employees performing operation, monitoring and maintenance inspections on the renewal application.~~

(7) ~~Operations and Maintenance Specialist—Employee Requirements. Any employee who provides operations and maintenance services for an operations and maintenance specialist shall meet the following requirements:~~

~~(a) Initial Application.~~

~~(i) Complete four (4) CEUs of Health Officer approved classroom or field training time related to the operation, monitoring and maintenance of OSSs within the last five (5) years; or~~

~~(ii) Provide written verification of at least two (2) years experience providing OSS operation, monitoring and maintenance services within the last five (5) years; and~~

~~(b) Renewal Application. Complete one (1) CEU of Health Officer approved classroom or field training within the previous twelve (12) months.~~

(87) The Health Officer may deny, suspend or revoke a certificate for [an installer, pumper, or operations and maintenance specialist for](#) any one ~~(1)~~ or more of the following reasons:

(a) Failure to possess the necessary qualifications or to meet the requirements for the issuance or holding of a certificate;

(b) Misrepresentation or concealment of material fact in ~~information-~~[applications and documentation](#) submitted to the Health Officer;

(c) Willful and repeated disregard or violation of any ~~rule or~~[applicable ordinance, law, or](#) regulation; ~~in this Chapter;~~

(d) Willfully aiding or abetting another person in violation of any ~~any applicable ordinance, law or rule or regulation~~[or regulation](#); ~~in this Chapter;~~

(e) Conviction of any crime related to the practice of on-site sewage system pumping, installation, design or operations and maintenance;

(f) Making false promises or misrepresentations through written or verbal advertising, salespeople, agents, or otherwise in connection with the practice of being an on-site sewage system installer, ~~or~~ pumper, or operations and maintenance specialist; or

[\(g\) Having two ~~\(2\)~~ or more unpaid final judgments against them relating to OSS practice.](#)

[\(h\) Failure to maintain or cancellation or termination of any required performance bond.](#)

[\(8\) If the Health Officer finds that the immediate suspension or revocation of a certificate for an installer, pumper, or operations and maintenance specialist is required to protect public health and safety, the Health Officer may order the suspension or revocation to take effect immediately upon personal service of the order or three days after mailing by certified mail, return receipt requested. In other cases, the suspension or revocation shall take place ten business days after service or, should there be a request for reconsideration or an appeal, after administrative appeals have been exhausted.](#)

12.05.260 Waivers of regulations.

(1) ~~Refer~~[See](#) to WAC 246-272A-0420.

(2) ~~The applicant must make written petition to the Health Officer to r~~[Requests for a waivers](#) from the ~~any~~ requirements included in this ~~c~~Chapter. [shall be submitted to the](#) Application for waiver(s) will be on forms provided by the Health Officer [in writing on forms provided by the Health Department](#). A written response will be made within ten ~~(10)~~ working days of receipt of the ~~petition~~[waiver request](#).

~~12.06.265 Appeals.~~

~~(1) Persons aggrieved by a notice of violation, order, fine or assessed costs issued by the Health Officer pursuant to this Chapter may request a hearing with the Health Officer for the purpose of disputing or requesting a stay or modification of such notice, order, fine or assessed costs.~~

~~(2) A request for hearing before the Health Officer shall be made in writing and served to the Health Officer within ten (10) working days of the serving of the notice, order, fine or assessed costs. The request shall be made by fully completing and submitting a request for hearing form supplied by SCPHD.~~

~~(3) The Health Officer shall hold a hearing not less than twenty (20) days nor more than thirty (30) days from the serving of the notice, order, fine or assessed costs unless mutually agreed upon in writing by the Health Officer and person requesting the appeal.~~

~~(4) Notice of the hearing shall be given to the person requesting the appeal and the property owner, if different from the person requesting the appeal, via personal service at least three (3) days prior to the hearing date or via certified mail at least ten (10) days prior to the hearing date.~~

~~(5) Upon holding the hearing requested, the Health Officer shall provide written notice of intent sustaining the order, fine or assessed costs within five (5) working days of the hearing. Notice shall be served personally or via certified mail to the person requesting the appeal and property owner, if different than the person requesting the appeal.~~

~~(6) The aggrieved party may make a written request to appeal the Health Officer's decision to the Board of Health within ten (10) working days of the date the decision is issued. The request for appeal must meet the requirements of Subsection (2) of this Section. The BOH will hear the request for appeal within sixty (60) days of receipt of the application to appeal the Health Officer's decision.~~

~~(a) A fee in the amount listed in the most current Skagit County Health Department schedule of charges is due and payable when an appeal of the Health Officer's decision is made to the BOH.~~

~~(7) Following the issuance of the Board of Health's written decision, an aggrieved person may file a writ of certiorari in a court of competent jurisdiction to appeal such decision within thirty (30) days of the issuance of such decision.~~

~~(8) The filing of a request for hearing or appeal pursuant to this Section shall operate as a stay from the requirement to perform corrective action ordered by the Health Officer, except when the Health Officer:~~

~~(a) Issues an emergency order based on a public health need for immediate compliance; or~~

~~(b) Determines that an imminent public health threat exists. (Ord. O20070010 (part))~~

12.05.270 Inspection/right of entry.

(1) Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any public health rule or regulation, or whenever the Health Officer ~~or his authorized representative~~ has reasonable cause to believe that a specific violation of this ~~Code~~ [chapter](#) has been or is being committed, ~~the~~ [an](#) inspector may enter any building, structure, property or portion thereof at reasonable times to inspect the same.

(2) Access shall be obtained as follows:

~~(a) Nonresidential.~~

~~(i)(a)~~ If such residence, building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry.

~~If entry is denied, the Health Officer may obtain an inspection warrant as authorized by the laws of the State of Washington.~~

~~(ii)(b)~~ If such building, structure, property or portion thereof is unoccupied, the inspector shall ~~first~~ make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof, and request entry.

~~(c)~~ If the occupants cannot be located, inspector is unable to locate the owner or such other persons, and he has reason to believe that conditions therein create an immediate and probable health hazard, he shall make entry with an inspection warrant.

~~(b) Residential.~~

~~(i)~~ If the home or dwelling is occupied, the inspector shall present identification credentials, state the specific reason(s) for the inspection, and request entry.

~~If entry is denied, the Health Officer may obtain an inspection warrant as authorized by the laws of the State of Washington.~~

~~(ii)~~ If the home or dwelling is unoccupied, the inspector shall post a notice in a conspicuous place informing the occupants that an inspection is requested and the reasons therefor. A copy of the posted notice shall be mailed to the owner of record at a reasonably ascertained address. The notice shall ~~state~~ ask that contact by the occupant is requested by the inspector and that if the owner/occupant fails to contact the inspector within seventy-two (72) hours to arrange a time for such inspection, ~~an inspection warrant may be requested as authorized by Washington State law.~~

(3) If permission to enter is denied, the inspector is unable to locate the owner/occupant, or the owner/occupant fails to respond to a request for contact and the Health Officer has reason to believe that conditions therein create an immediate and probable health hazard; the Health Officer may ask the Prosecuting Attorney to assist in obtaining a warrant.

~~(2) It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper request and service of an inspection warrant.~~

12.05.280 Enforcement.

(1) Refer See to WAC 246-272A-0430.

(2) Allowing or maintaining an OSS that does not comply with the requirements of this chapter or presents a potential to harm the public health or the environment is a public nuisance.

(3) Each violation of this chapter shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(4) The failure to comply with the performance and permitting requirements in this chapter, including the failure to comply with the conditions in a permit or Health Officer order issued under this chapter is a continuing offense and shall be a misdemeanor, punishable by imprisonment in the county jail for a maximum term fixed by the court

of up to 90 days, or by a fine in an amount fixed by the court of up to \$1000, or by both such imprisonment and fine.

(5) Civil penalties, when imposed, shall be in accordance with the “Schedule of Charges: Skagit County Health Department.”

(6) A notice of violation or enforcement order shall be served on all persons named as potential violators as follows:

(a) Personal service by delivering the notice to the person or leaving the notice with a person of suitable age at the person’s residence;

(b) Mailed via certified mail to the address of the location of the violation or record address of the violator if the violator does not live at the location; or

(c) Posted on the property at the location of the violation accompanied by mailing of the notice via regular mail to the property address when an address of the violator cannot be reasonably determined.

(7)- Service by certified mail is effective upon receipt or three days after the date of mailing, whichever occurs first.

12.05.XXX Requests for reconsideration and appeals.

(1) Requests for reconsideration.

(a) Persons named in a notice of violation or aggrieved by enforcement of a Health Officer’s order or denial of a permit shall request reconsideration of the notice of violation, order, or permitting decision by filing a request for reconsideration, on a form provided by the Health Department, accompanied by the required filing fee, at the Health Department within 10 business days of service of the notice of violation, order, or permitting decision.

(b) Requests for reconsideration shall identify alleged errors in the notice of violation, order, or permitting decision and be supported by evidence, including statements and photographs as applicable, and by a written explanation including citation to applicable law and regulations. The Health Officer may rule on the request for reconsideration without a hearing; however, an aggrieved person may request a meeting with the Health Officer, which may be granted at the Health Officer’s discretion.

(c) The Health Officer shall issue a written decision within thirty days of receipt of the request for reconsideration unless additional time is justified by good cause. Service of the decision shall be effective upon personal service on the person(s) requesting the reconsideration, or three days after mailing the decision, via certified mail, to the address provided in the request for reconsideration.

(2) Appeals of Health Officer’s decision on a request for reconsideration.

(a) Persons aggrieved by the Health Officer’s decision on a request for reconsideration may appeal by filing a notice of appeal, on a form provided by the Health Department; accompanied by the required filing fee; at the Health Department within ten business days of service of the Health Officer’s decision.

(b) The following matters shall be heard by the ~~by the~~ Skagit County Hearing Examiner in an open record appeal hearing:

(i) Applications for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used;

(ii) An interpretative or declaratory decision regarding the application to a specific property of ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(iii) The enforcement of ordinances or orders regulating the improvement, development, modification, maintenance, or use of real property.

(c) Appeals involving other matters, which shall be heard as an open record appeal, and appeals of a Hearing Examiner's decision, which shall be heard as a closed record appeal, shall be heard by the Skagit County Board of Health.

(d) A notice of appeal will not be considered filed unless the appeal fee is paid within ten business days. The notice of appeal or an attached statement shall:

(i) Identify the decision being appealed;

(ii) Identify the appellant's name, address and interest in the matter;

(iii) Provide a short statement identifying each error made by the Health Department;

(iv) Explain, including citations to the Skagit County Code, state law or regulation, or judicial decision, how the decision under appeal is erroneous; and

(v) State the desired outcome of changes to the decision.

(3) Procedure for open record appeals.

(a) At least seven days prior to the date set for an open record hearing, the Health Department shall file a copy of the records pertaining to the decision being appealed and a staff report explaining the decision being appealed or responding to the statements in the notice of appeal. A copy of the records and staff report shall also be mailed or otherwise served on the appellant seven days prior to the date set for the hearing at the address provided in the appellant's notice of appeal.

(b) Open record hearings before the Hearing Examiner shall be conducted pursuant to the guidance in SCC 14.06.160(7)(b) (Appeal Hearings).

(4) Procedure for closed record appeals before the Board of Health.

(a) Hearings shall be conducted generally in the following order:

(i) Staff presentation.

(ii) Appellant presentation.

(iii) Respondent presentation (by parties of record only)

(iv) Rebuttal or clarifying statements by staff and the appellant.

(v) Deliberations by the Board.

(b) No new evidence or testimony shall be given or received. The parties to the appeal may submit written statements or arguments prior to the hearing.

(c) The Board of Health shall examine the record, the decision or recommendation, and the arguments presented in the closed record hearing and select one of the following courses of action:

(i) Remand the matter for further consideration by the Hearing Examiner or the Health Officer, as appropriate.

(ii) Deny the appeal and affirm the decision under appeal; or

(iii) If the Board determines the decision under appeal is clearly erroneous, the Board may adopt its own findings, conclusions and decision.

(5) In all hearings, the appellant bears the burden of proving that the decision under appeal was clearly erroneous.

(6) Unless a hearing is continued for good cause, the hearing shall be held and a decision rendered within 90 days of the receipt of the notice of appeal. Service of the decision shall be effective upon personal service on the appellant or three days after mailing the decision, via certified mail, to the address provided in the notice of appeal.

(7) An appeal of the Board of Health's decision shall be to the Superior Court under RCW 7.16.040 for statutory writs of review or chapter 36.70C RCW for matters reviewable under the Land Use Petition Act, as appropriate. Appellants shall be responsible for the costs of preparing a record for appeal.

~~12.05.290 — Notice of decision.~~

~~Refer to WAC 246-272A-0440.~~

12.05.300 Fees.

Permit fees, certification fees and Health Officer charges for service(s) shall be established by resolution of the Board of County Commissioners or Board of Health. All fees are payable at the time of application or service.

12.05.310 Severability.

If any provisions of this Chapter or its application to any person or circumstances is held invalid, the remainder of this Chapter, or the application of the provisions to other persons or circumstances, shall not be affected.

12.05.320 Effective date.

The ordinance codified in this Chapter shall be in full force and effect from and after its passage and approval as provided by law.