

Skagit County
On-Site Sewage Code (Chapter 12.05)
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TITLE 12

Chapter 12.05

**SKAGIT COUNTY
ON-SITE SEWAGE RULES AND REGULATIONS**

12.05.010 Purpose, Objectives, and Authority.

- (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.
- (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; and
 - (b) Limit the discharge of contaminants to waters of the state.
- (3) This chapter is adopted by the Skagit County Board of Health in accordance with the authority granted in RCW 70.05 to adopt and enforce rules and regulations governing sewage, and on-site sewage systems and these regulations shall be consistent with, and as stringent as the Sewage Rules and Regulations (WAC 246-272). (Ord. 16438 (part), 1997)

12.05.020 Administration.

The Skagit County Health Officer and the Skagit County Board of Health shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.46, and 43.70 RCW. Under chapter 70.05.060(7) RCW, fees may be charged for this administration. (Ord. 16438 (part), 1997)

12.05.030 Definitions.

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

"Alternative system" means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the Health Officer or the department.

"Approved list" means "List of Approved Systems and Products", developed annually and maintained by the department and containing the following:

- (a) List of proprietary devices approved by the department;
- (b) List of specific systems meeting treatment standard 1 and treatment standard 2;
- (c) List of experimental systems approved by the department;
- (d) List of septic tanks, pump chambers, and holding tanks approved by the department.

"Area of Special Concern" means an area of definite boundaries delineated through public process, where a Health Officer, or the department in consultation with the Health Officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

"Board of Health" means the Skagit County Board of Commissioners defined in chapter 70.05 RCW.

"Certified" means approved by the Health Officer to have met qualifications established by these rules and regulations to practice as a designer, pumper, installer or operator 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 8 hours of health officer approved classroom (training) time.

"Conforming system" means any on-site sewage system, except an

experimental system, meeting any of the following criteria:

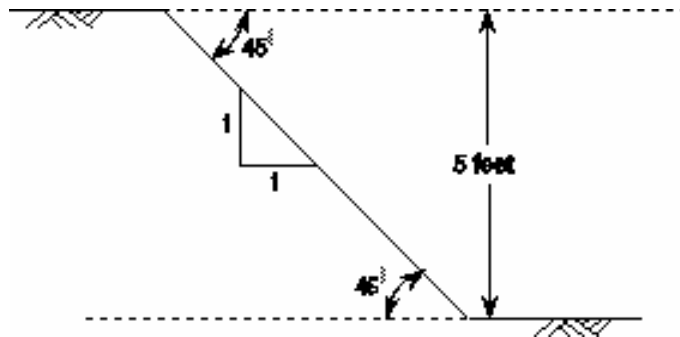
- (a) Systems in full compliance with new construction requirements under this chapter; or
- (b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or
- (c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"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. Design, operation and maintenance, and performance monitoring are described by "Guidelines for Pressure Distribution Systems" by the Washington state department of health.

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

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



"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology.

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

"Department" means the Washington state department of health.

"Disposal component" means a subsurface absorption system (SSAS) or

other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

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

"Engineer" means a person who is licensed and in good standing under chapter 18.43 RCW.

"Expansion" means a change in a residence, facility, site, or use that:

- (a) Causes an on-site sewage system to exceed its existing treatment or disposal capability, for example, when a residence is increased from two to three 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.

"Experimental system" means any alternative system:

- (a) Without design guidelines developed by the department; or
- (b) A proprietary device or method which has not yet been evaluated and approved by the department.

"Failure" means a condition of an on-site sewage system 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, in surface water or in ground water.
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;
- (d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists; or
- (e) Inadequately treated effluent contaminating ground water or surface water.
- (f) Noncompliance with standards stipulated on the permit.

"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.
- (b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of groundwater caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. Also see "Water table".

"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 holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Impervious material" means a cover material that restricts the passage of water and/or air into the sub-surface area of an on-site sewage system (OSS). (e.g. Blacktop paving, plastics or soils with heavy clay content.)

"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.

"Installer" means a qualified person approved by a Health Officer to install or repair on-site sewage systems or components.

"Large on-site sewage system (LOSS)" means any on-site sewage system with design flows, at any common point, greater than 3,500 gallons per day.

"May" means discretionary, permissive, or allowed.

"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 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.

"OSS" or "On-site sewage system" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

- (a) Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, upon adjacent or nearby property; and
- (b) Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

"OSS practice" means actively performing and charging for work related to designing, installing, pumping or operating on-site sewage systems.

"Percolation test" means a soil test performed at the depth of the bottom of a proposed subsurface soil absorption system to estimate the water absorption capability of the soil. The results are normally expressed as the rate in minutes at which one inch of water is absorbed.

"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 development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the "Guidelines for Pressure Distribution Systems" by the department. Also see "conventional pressure distribution."

"Proprietary device or method" means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

"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.

"Repair" means restoration, by reconstruction or relocation, or replacement of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system and dedicated 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 effluent" means effluent that does not exceed a BOD₅ of 230 milligrams per liter, total suspended solids of 145 milligrams per liter and grease and oil of 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.

"SCC" means Skagit County.

"Seasonal surface water" means surface water such as roadside ditches and any body of water that normally dries up in the summer.

"Seepage pit" means an excavation more than three 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 tank" means a watertight pretreatment 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. for the purposes of these regulations, "sewage" is generally synonymous with domestic wastewater. Also see "residential sewage."

"Shall" means mandatory.

"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 type" means a numerical classification of fine earth

particles and coarse fragments as described in SCC 12.05.110(2)(e).

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

"SSAS" or "subsurface soil absorption system" means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

"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, and tidal waters. (See also "Seasonal surface water")

"Table VI Repair" means a repair or replacement of an existing on-site sewage system which, because of site limitations, must utilize treatment standards shown in Table VI in lieu of compliance with new construction requirements for vertical separation and/or horizontal set back from surface waters or drinking water wells or springs.

"Treated effluent" means sewage effluent which has been through an approved subsurface sewage treatment and disposal process and does not exceed 800 fecal coliform bacteria per 100 milliliters.

"Treatment standard 1" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (5 day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

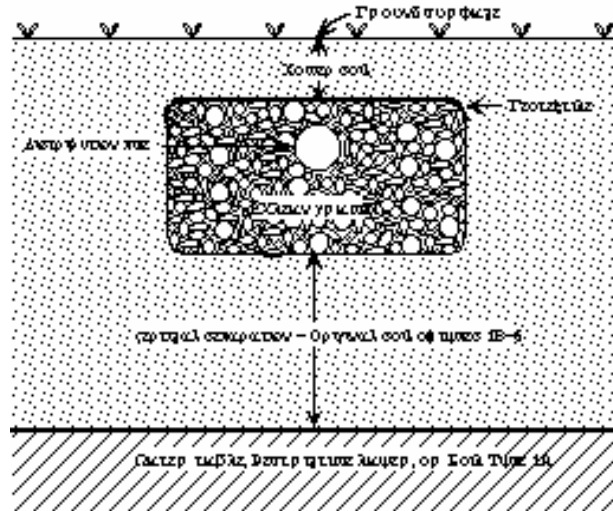
"Treatment standard 2" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (5 day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

"Unit volume of sewage" means:

- (a) A single family residence;
- (b) A mobile home site in a mobile home park; or
- (c) 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 1B-6 between the bottom of a disposal component and the highest seasonal water table, a

restrictive layer, or soil type 1A, as illustrated below by the profile drawing of a subsurface soil absorption system:



"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Wave barrier" means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action.

"Well-protection zone" means an area around a well that is under the control of the water user/purveyor that protects the well water from contamination. No physical, chemical, biological, or radiologic substance that is deleterious to health shall be constructed, stored, disposed of, or applied in the protection zone. (Ord. 17443 (part), 1999:Ord. 16438 (part), 1997)

12.05.040 Applicability.

- (1) The Health Officer and the Board of Health:
 - (a) Shall apply this chapter to treating sewage and disposing of effluent from residential sewage sources;
 - (b) May apply this chapter to OSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.
- (2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations shall be acted upon in accordance with regulations in force at the time of preliminary

plat approval for a maximum period of five years from the date of approval or for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date.

- (3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:
 - (a) Shall be acted upon in accordance with regulations in force at the time of issuance;
 - (b) Shall have a maximum validity period of five years from the date of issuance or remain valid ; and
 - (c) May be modified to include additional requirements if the Health Officer determines that a serious threat to public health exists.
- (4) The Washington state department of ecology has authority and approval over:
 - (a) Domestic or industrial wastewater under chapter 173-240 WAC; and
 - (b) Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above 3,500 gallons per day.
- (5) The Washington state department of health has authority and approval over:
 - (a) Systems with design flows through any common point between 3,500 to 14,500 gallons per day; and
 - (b) Any Large On-site Sewage System "LOSS" for which jurisdiction has been transferred to the department of health under conditions of memorandum of agreement with the department of ecology.
- (6) The Health Officer has authority and approval over;
 - (a) Systems with design flows through any common point up to 3,500 gallons per day;
 - (b) Any Large On-site Sewage System "LOSS" for which jurisdiction has been transferred to Skagit County from the department by contract.
- (7) Where this chapter conflicts with chapters 90.48 RCW, Water Pollution Control, the requirements under those statutes apply.
- (8) The Health Officer may approve the use of federal, state and industry publications (reference materials, design manuals and guidelines) as they become available. These publications will be made available at designated county offices and at the public libraries. (Ord. 16438 (part), 1997)

12.05.050 Alternative systems and proprietary devices.

- (1) The department:
 - (a) May approve guidelines for alternative systems as written in WAC 246-272-23501.
- (2) The Health Officer shall only permit installation of alternative systems for which there are alternative system guidelines, or a proprietary device if it appears on the list of approved systems or devices maintained by the department.
- (3) The Health Officer:
 - (a) May require performance monitoring or sampling of any alternative system.
 - (b) May charge fees to cover the costs for monitoring system performance.
 - (c) Shall submit copies of evaluation reports to the department when alternative system performance is evaluated.
 - (d) Shall notify the department of alternative system approvals and failures. (Ord. 16438 (part), 1997)

12.05.060 Experimental systems.

- (1) Persons proposing a system for inclusion on the departmental approved list of experimental systems shall submit to the department for review and approval, a written proposal which includes items outlined under WAC 246-272-05001.
 - (a) Description of existing theory and/or applied research supporting the application;
 - (b) Proposed testing protocol;
 - (c) Proposed operation, maintenance, and monitoring detail and schedules;
 - (d) Maximum number of installations;
 - (e) Proposed locations and uses, if multiple locations are proposed;
 - (f) Proposed reporting detail and frequency;
 - (g) Proposed schedule for the experimental program;
 - (h) Name(s) of the person(s) financially responsible for the

experimental program, including:

(2) The Health Officer:

(a) May permit a limited number of specific experimental systems if:

(i) The specific system is included on the department's approved list of experimental systems under subsection (5) (b) of this section;

(ii) The site will accommodate the installation of a conforming system in the event of failure of the experimental system;

(iii) Local agreements to provide for monitoring, sampling, testing, reporting, maintenance, repairs, and the replacement of the system in accordance with the protocol approved by the department under subsection (1) of this section are completed and signed.

(b) May charge fees to cover the cost of evaluating or monitoring the experimental system.

(3) After the experimental system proposal is approved, the person noted as responsible for an experimental system program on the departmental approved list shall:

(a) Follow the experimental system protocol, procedures, and other related written agreements approved by the department and the local Health Officer;

(b) Monitor the experimental system and submit records as required to meet department's approval or the local Health Officer's permit; and

(c) Annually renew each state experimental system permit.

(4) A person desiring to install an experimental system shall:

(a) Obtain a permit from the Health Officer;

(b) Submit a written promise to the Health Officer agreeing to abandon the experimental system and install a conforming system if:

(i) The system fails;

(ii) The performance of the experimental system is unsatisfactory; or

(iii) The applicant fails to adequately monitor the experimental system and submit records as required in the department's approval or the

Health Officer's permit;

- (iv) The system components do not function as indicated by submitted documents;
 - (v) Performance does not meet the anticipated objectives of the experiment; or
 - (vi) The state experimental system permit is not renewed annually.
- (c) Provide financial guarantees, acceptable to the Health Officer, and a copy of the recorded covenant required under WAC 246-272-05001(5)(b) to the Health Officer; and
 - (d) Obtain through the Health Officer an annually renewable state experimental system permit. (Ord. 16438 (part), 1997)

12.05.070 Connection to public sewer system.

- (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the Health Officer, upon the failure of an existing on-site sewage system may:
 - (a) Require hook-up to a public sewer system; or
 - (b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.
- (2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under SCC 12.05.200 and connect the residence or other facility to a public sewer system when:
 - (a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and
 - (b) The sewer utility allows the sewer connection.
- (3) The owner of a residence or other facility served by a Table VI repair as defined in SCC 12.05.170 of this chapter shall abandon the OSS according to the requirements specified in SCC 12.05.200, and connect the residence or other facility to a public sewer system when:
 - (a) Connection is deemed necessary to protect public health by the Health Officer;
 - (b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
 - (c) The sewer utility allows the sewer connection.

- (4) Local boards of health may require a new development to connect to a public sewer system to protect public health.(Ord. 16438 (part), 1997)

12.05.080 Large on-site sewage systems (LOSS) .

- (1) Persons proposing a new LOSS for which the department has jurisdiction by WAC or memorandum of agreements with the department of ecology shall meet requirements specified in "Design Standards for Large On-Site Sewage Systems," 1993, Washington state department of health (Available upon written request to the department).(Ord. 16438 (part), 1997)

12.05.090 Permits For OSS under 3500 gallons per day.

- (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall develop and submit the following to the Health Officer and obtain approval:

(a) General information including:

- (i) Name and address of the property owner and the applicant at the head of each page of submission;
- (ii) Parcel number and address, if available, of the site;
- (iii) Source of drinking water supply;
- (iv) Identification if the property is within the boundaries of a recognized sewer utility;
- (v) Size of the parcel;
- (vi) Type of permit for which application is being made, for example, new installation, repair, expansion, alteration, or operational;
- (vii) Source of sewage, for example, residential, restaurant, or other type of business;
- (viii) Location of utilities;
- (ix) Name of the site evaluator;
- (x) Name of the designer;
- (xi) Date of application; and

- (xii) Signature of applicant.
- (b) The soil and site evaluation as specified under SCC 12.05.110(2).
- (c) A complete, detailed, scaled and dimensional site plan including:
 - (i) Designated areas for the proposed initial system and the reserve area;
 - (ii) The location of all soil logs and other soil tests for the OSS;
 - (iii) General topography and/or slope of the site;
 - (iv) Site drainage characteristics;
 - (v) The location of existing and proposed encumbrances affecting system placement, including legal access documents (easements approved by the Health Officer and recorded with the Skagit county Auditor's Office) if any component of the OSS is not on the lot where the sewage is generated; and
 - (vi) An arrow indicating north.
- (d) A detailed system design meeting the requirements under SCC 12.05.120 including:
 - (i) A dimensional scaled drawing showing the location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
 - (ii) Vertical cross-section drawings showing:
 - (A) The depth of the disposal component, the vertical separation, and depth of soil cover; and
 - (B) Other OSS components constructed at the site.
 - (iii) Calculations and assumptions supporting the proposed design, including:
 - (A) Soil type;
 - (B) Hydraulic loading rate in the disposal component; and
 - (C) System's maximum daily flow capacity.
- (e) Such additional information as deemed necessary by the Health

Officer.

- (2) The Health Officer may develop the required information specified in subsection (1) of this section if authorization for such actions is included in local regulations.
- (3) The Health Officer shall:
 - (a) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;
 - (b) Identify the permit as a new installation, repair, expansion, modification, or operational permit;
 - (c) Specify the expiration date on the permit;
 - (d) Include a reminder on the permit application of the applicant's right of appeal; and
 - (e) State the period of validity and the date and conditions of renewal when requiring operational permits to be obtained and retained;
- (4) The Health Officer may revoke or deny a permit for due cause. Examples include, but are not limited to:
 - (a) Development or continued use of an OSS that threatens the public health;
 - (b) Misrepresentation or concealment of material fact in information submitted to the Health Officer; or
 - (c) Failure to meet conditions of the permit or the regulations.
- (5) Before the Health Officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:
 - (a) An approved public entity owning or managing the OSS in perpetuity; or
 - (b) An arrangement with a management entity acceptable to the Health Officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:
 - (i) A legal easement allowing access for construction, operation and maintenance, and repair of the OSS; and
 - (ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

- (6) The Health Officer shall not delegate the authority to issue permits.
- (7) The Health Officer may stipulate additional requirements for a particular permit if necessary for public health protection. (Ord. 16438 (part), 1997)

12.05.100 Location

- (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**TABLE I
MINIMUM HORIZONTAL SEPARATIONS**

Items requiring setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and non-perforated distribution line ¹
Non-public well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring ³	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source ^{2,3}	100 ft.	50 ft.	50 ft.
Pressurized water supply line ⁴	10 ft.	10 ft.	10 ft.
Properly decommissioned well ⁵	10 ft.	N/A	N/A
Surface water ³ Marine water Fresh water	100 ft. 100 ft.	50 ft. 50 ft.	10 ft. 10 ft.
Building foundation	10 ft. ⁶	5 ft. ⁶	2 ft.

Property or easement line ⁶	5 ft.	5 ft.	N/A
Interceptor / curtain drains/ drainage ditches/ seasonal water Down- gradient ⁷ Up-gradient ⁷	30 ft. 10 ft.	5 ft. N/A	N/A N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed, soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

¹ "Building sewer" as defined by the most current edition of the Uniform Plumbing Code .

"Non-perforated distribution" includes pressure sewer transport lines.

² If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required sanitary control area.

³ Measured from the ordinary high-water mark.

⁴ The Health Officer may approve a sewer transport line within 10 feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the department of ecology's "Criteria For Sewage Works Design," revised October 1985, or equivalent.

⁵ Before any component can be placed within 100 feet of a well,

the designer shall submit a "decommissioned water well report" provided by a licensed well driller or engineer, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to groundwater, but septic tanks, pump chambers, containment vessels or distribution boxes should not be placed directly over the site.

⁶ The Health Officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is up-gradient.

⁷ The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

- (2) Where any condition indicates a greater potential for contamination or pollution, the Health Officer or the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.
- (3) The horizontal separation between an OSS disposal component and an individual water well, spring, or surface water can be reduced to a minimum of 75 feet, by the Health Officer, and be described as a "conforming" system upon signed approval by the Health Officer if the applicant demonstrates:
 - (a) Adequate protective site specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and or aquatards separating potable water from the OSS treatment zone, excessive depth to groundwater, down-gradient contaminant source, or outside the zone of influence; or
 - (b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in SCC 12.05.120(2)(f) Table IV; or
 - (c) Evidence of protective conditions involving both 3(a) and (b) of this section.
- (4) Persons shall design and/or install disposal components only where:
 - (a) The slope is less than forty-five percent (twenty-four degrees);
 - (b) The area is not subject to:
 - (i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

- (ii) Cover by impervious material;
 - (iii) Vehicular traffic; or
 - (iv) Other activities adversely affecting the soil or the performance of the OSS.
- (c) Sufficient reserve area for replacement exists to treat and dispose 100% of the design flow;
 - (d) The land is stable; and
 - (e) Surface drainage is directed away from the site.
- (5) The Health Officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the disposal component and the ordinary high water mark required by SCC 12.05.100 Table I, provided that:
- (a) The system meets all requirements of SCC 12.05.120;
 - (b) The system complies with all other requirements of SCC 12.05.100 and SCC 12.05.190;
 - (c) Horizontal separation between the disposal component and the ordinary high water mark is 50 feet or greater; and
 - (d) Vertical separation is 3 feet or greater with a conventional gravity drainfield, or 2 feet or greater with a conventional pressure distribution drainfield. (Ord. 16438 (part), 1997)

12.05.110 Soil and Site Evaluation.

- (1) The Health Officer or department shall permit only engineers, qualified (certified) designers and soil scientists to perform soil and site evaluations.
- (2) The person evaluating the soil and site shall:
 - (a) Record:
 - (i) A minimum of three (3) soil logs to determine the suitability of the primary and reserve disposal sites. Soil logs should be spaced fifty (50) feet apart if possible, in a configuration that allows a determination of the soil depth and quality over the entire disposal area, especially downslope from the disposal area.

- (ii) Four (4) soil logs for any on-site sewage system utilizing fill material or any SSAS unable to maintain required vertical separation in original native soil.
 - (iii) The ground water conditions, the date of the observation, and the probable maximum height;
 - (iv) The topography of the site;
 - (v) The drainage characteristics of the site;
 - (vi) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
 - (vii) The existence of designated flood plains; and
 - (viii) The location of existing encumbrances affecting system placement, such as:
 - (A) Wells and suction lines;
 - (B) Water sources and supply lines;
 - (C) Surface water;
 - (D) Abandoned wells;
 - (E) Outcrops of bedrock and restrictive layers;
 - (F) Buildings;
 - (G) Property lines and lines of easement;
 - (H) Interceptors such as footing drains, curtain drains and drainage ditches;
 - (I) Cuts, banks, and fills;
 - (J) Driveways and parking areas;
 - (K) Existing OSS; and
 - (L) Underground utilities.
- (b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the "Design Manual: On-site Wastewater Treatment and Disposal Systems", United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict, with this chapter (available upon written request to the department);
 - (c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;
 - (d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and
 - (e) Classify the soil as in Table II, Soil Textural Classification:

**TABLE II
SOIL TEXTURAL CLASSIFICATION**

Soil Type	Soil Textural Classifications
1A	Very gravelly ¹ coarse sands or coarser. All extremely gravelly ² soils.
1B	Very gravelly medium sand, very gravelly fine sand, very gravelly very fine sand, very gravelly loamy sands.
2A	Coarse sands (also includes ASTM C-33 sand).
2B	Medium sands.
3	Fine sands, loamy coarse sands, loamy medium sands.
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.
5	Silt loams, that are porous and have well developed structure.
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
Unsuitable for treatment or disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils.

¹ Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.

² Extremely Gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent (site evaluator) shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

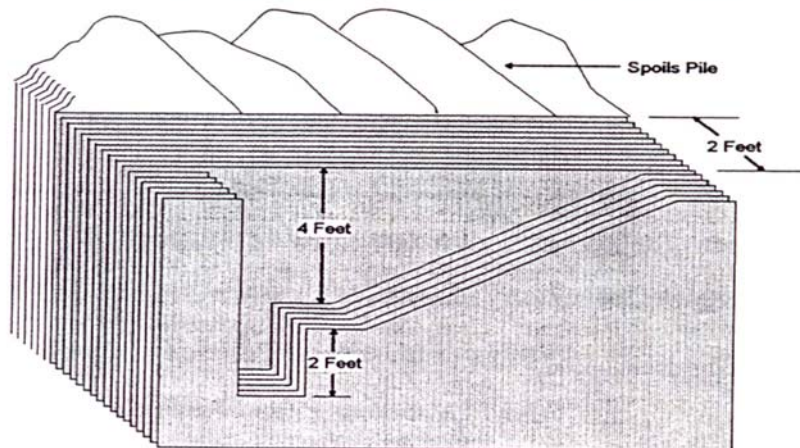
(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component. At a minimum, the diameter of the excavation shall be half as wide as it is deep at any given point in the excavation; or

(B) Stopping at a shallower depth if a water table or

restrictive layer is encountered; and

- (ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and
- (b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:
 - (i) Placing excavated soil no closer than 2 feet of the excavation;
 - (ii) Providing a ladder, earth ramp or steps for safe egress to a depth of 4 feet, then scoop out a portion from the floor to gain the additional 2 foot depth necessary to observe the 6 feet of soil face, however the scooped portion is not to be entered;
 - (iii) Provide a physical warning barrier around the excavation's perimeter; and
 - (iv) Fill the excavation upon completion of the soil log.

Fill the excavation upon completion of the soil log.



- (4) The Health Officer:
 - (a) Shall render a decision on the height of the water table within 12 months of receiving the application under precipitation conditions typical for the region;
 - (b) Shall designate the months of January, February, March and April as the time of the year when water table conditions are typically at their highest. This shall be called the "wet season".
 - (c) Shall require water table measurements to be recorded for a minimum of six weeks during the wet season, if insufficient

information is available to determine the highest seasonal water table;

(d) May require any other soil and site information affecting location, design, or installation; and

(e) May reduce the required number of soil logs for OSS serving a single family residence if adequate soils information has previously been developed. (Ord. 16438 (part), 1997)

12.05.120 Design.

(1) The Health Officer shall require that on-site sewage systems be designed only by engineers or qualified (certified) designers, except:

(a) Where at the discretion of the Health Officer a resident owner of the single family residence is allowed to design a conventional gravity system with or without pumps for that residence or the resident owner successfully passes the appropriate designer exam; and

(b) The resident owner of the single family residence is limited to designing no more than two designs in any consecutive five (5) year period.

(2) The Health Officer and the department shall require the following design criteria:

(a) All the sewage from the building served is directed to the OSS;

(b) Drainage from the surface, footing drains, roof drains, and other non-sewage drains is prevented from entering the OSS and the area where the OSS is located;

(c) The OSS is designed to treat and dispose of the following flows:

(i) For single family residences, 120 gallons per bedroom per day, with a minimum of 240 gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(ii) For other facilities, the design flows noted in "Design Manual: On-site Wastewater Treatment and Disposal Systems", United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict, with this chapter (available upon written request to the county). If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used:

- (A) "Design Standards for Large On-site Sewage Systems," 1993, Washington state department of health, except where modified by, or in conflict, with this chapter (available upon request to the department); or
- (B) "Criteria for Sewage Works Design", revised October 1985, Washington state department of ecology, except where modified by , or in conflict, with this chapter (available upon written request to the department of ecology).

(d) Septic tanks:

- (i) Are included on the approved list under subsection (5)(d) of this section;
- (ii) Have the following minimum liquid capacities:
 - (A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

**TABLE III
REQUIRED MINIMUM LIQUID VOLUMES OF SEPTIC TANKS**

Number of Bedrooms	Required minimum liquid tank volume in gallons
≤ 3	900
4	1000
Each additional bedroom	250

- (B) For facilities handling residential sewage, other than one single family residence, 1.5 times the daily design flow with a minimum of 1000 gallons;
 - (iii) Have clean-out and inspection accesses within 12 inches of finished grade; and
 - (iv) Are designed with protection against floatation and ground water intrusion in high ground water areas;
- (e) Pump chambers:
- (i) Are included on the approved list under subsection (5)(d) of this section;

- (ii) Have clean-out and inspection accesses at or above finished grade; and
 - (iii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;
- (f) Methods for effluent distribution shall correlate to soil types 1A through soil type 6 as described by TABLE IV of this section, except where local regulations approved by the department under WAC 246-272-02001 are more stringent:

**TABLE IV
METHODS OF EFFLUENT DISTRIBUTION FOR SOIL TYPES AND DEPTHS**

SOIL TYPE	VERTICAL SEPARATION			
	< 1 foot	> 1 foot to < 2 feet	> 2 feet to < 3 feet	> 3 feet
1A	Not allowed	Pressure Distribution (see note) ^{1 & 2}	Pressure Distribution (see note) ¹	Pressure Distribution (see note) ¹
2A	Not allowed	Pressure Distribution (see note) ^{1 & 2}	Pressure Distribution	Pressure Distribution
1B, 2B - 6	Not allowed	Pressure Distribution (see note) ^{1 & 2}	Pressure Distribution	Gravity Distribution

¹ System meeting Treatment Standard 2 required.

² Mound systems installed where the original, undisturbed, unsaturated soil depth is between 12 and 18 inches, require pretreatment by an intermittent sand filter.

- (g) Subsurface Soil Absorption System (SSAS) beds are only designed in soil types 2A, 2B, or 3, with a width not exceeding 10 feet;
- (h) Designs for conventional gravity systems in Soil Type 1A soil are not permitted due to the inadequate treatment performance capability of coarse grained soils.
- (i) Individual SSAS laterals greater than one hundred feet in length are to use pressure distribution;

- (j) OSS having daily design flows between 1000 and 3,500 gallons of sewage per day:
- (i) Are located only in soil types 1 - 5;
 - (ii) Are located on slopes of less than thirty percent, or 17 degrees; and
 - (iii) Have pressure distribution;
- (k) Conventional gravity systems and conventional pressure distribution system have:
- (i) The calculation of absorption area based upon the design flows in subsection (2)(c) of this section and loading rates equal to or less than those in Table V, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the trench of the excavation.

**TABLE V
MAXIMUM HYDRAULIC LOADING RATE
FOR RESIDENTIAL SEWAGE¹**

SOIL TYPE	SOIL TEXTURAL CLASSIFICATION DESCRIPTION	LOADING RATE gal./sq. ft./day
1A	Very gravelly ² coarse sands or coarser, extremely gravelly ³ soils.	Varies according to system selected to meet Treatment Standard 2 ⁴
1B	Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands.	Varies according to soil type of the non-gravel portion ⁵
2A	Coarse sands (includes the ASTM C-33 sand).	1.2
2B	Medium sands.	1.0
3	Fine sands, loamy coarse sands, loamy medium sands.	0.8
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.	0.6
5	Silt loams that are porous and have well developed structure.	0.45
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2

1 Compacted soils, cemented soils, and/or poor soil structure
may require a reduction of the loading rate or make the soil
unsuitable for conventional OSS systems.

2 Very Gravelly = >35% and <60% gravel and coarse fragments, by
volume.

3 Extremely Gravelly = >60% gravel and coarse fragments, by
volume.

4 Due to the highly permeable nature of type 1A soil, only
alternative systems which meet or exceed Treatment Standard 2
can be installed. However, a conventional gravity system may
be used if it meets all criteria listed under SCC
12.05.120(2)(h). The loading rate for these systems is
provided in the appropriate guideline.

5 The maximum loading rate listed for the soil described as the
non-gravel portion is to be used for calculating the
absorption surface area required. The value is to be
determined from this table.

(ii) The bottom of a SSAS shall not be deeper than
three feet below the finished grade, except under
special conditions approved by the Health
Officer. The depth of such system shall not
exceed ten feet from the finished grade;

(iii) The sidewall below the invert of the distribution
pipe is located in original, undisturbed soil;

(iv) Clean gravel with a 40% void space, to be sized
between 3/8' and 2 1/2" diameter, and covered
with a geotextile approved by the department; and

(v) A cover of between six and twenty-four inches of
mineral soil containing no greater than 10%
organic content over the gravel to preclude
accumulation of water over the drainfield.

(1) For other features, conventional gravity systems shall conform
with the "Design Manual: On-site Wastewater Treatment and
Disposal Systems," United States Environmental Protection
Agency, EPA-625/1-80-012, October, 1980 (available upon
written request to the department) except where modified by,
or in conflict with this section or local regulations.

(3) When proposing the use of OSS for non-residential sewage, the
designer shall provide to the Health Officer:

(a) Information to show the sewage is not industrial wastewater;

(b) Information to establish the sewage's strength characteristics

(BOD₅, total suspended solids, and grease and oil levels) and identify 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".

(4) The Health Officer or department:

- (a) Shall approve only OSS designs meeting the requirements of this chapter;

- (b) Shall only permit the use of septic tanks, pump chambers, and holding tanks on the approved list under subsection

(5) (d) of this section;

- (c) Shall require the use of Department approved components and materials in OSS design and construction;

- (d) Shall not approve designs for:

- (i) Cesspools;

- (ii) Seepage pits, except as allowed for repairs under SCC 12.05.170 (3); or

- (iii) Conventional gravity systems or conventional pressure distribution systems in soil type 1A.

- (e) May approve a design for the reserve area different than the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction; and

- (f) May allow the hydraulic loading rate calculated for the infiltration surface area in a disposal component to include six inches of the SSAS sidewall height for determining design flow where total recharge by annual precipitation and irrigation is less than twelve inches per year.

- (g) May approve as a component of the approved design additional inspections to be the responsibility of the designer or engineer.

(5) The department shall:

- (a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks.

- (b) Review septic tanks, pump chambers, and holding tanks, approving those satisfying the design and construction standards developed by the department.

- (c) Require an annual report from the manufacturers or

distributors of all products on the approved list under subsection (5)(d) of this section which assures that the product still meets the standards defined in this section, before relisting the product.

- (d) Maintain a list of approved septic tanks, pump chambers, holding tanks that meet design and construction standards.
 - (e) Make periodic checks of products approved under this subsection.
- (6) Persons desiring to manufacture or distribute septic tanks, pump chambers, holding tanks for use in an OSS shall:
- (a) Certify the product meets standards for subsection (5)(a) of this section and submit the required documentation to the department for approval when:
 - (i) The manufacturer or distributor needs initial departmental review and listing to allow permitting by the Health Officer or department;
 - (ii) The department amends the applicable criteria or standards; or
 - (iii) The manufacturer or distributor alters the product;
 - (b) Submit an annual report acceptable to the department to retain departmental approval; and
 - (c) Pay required fees to the department.
- (7) The Health Officer shall require a notice to be recorded with the County Auditor whenever a design contains a Certified Proprietary Device (cpd) which is listed by the Department and requires a perpetual operation and maintenance contract between the user and a service company. A "Notice of Certified Proprietary Device" form shall be approved by the Health Officer and shall name the cpd, the manufacturer, an authorized representative and other operational requirements. (Ord. 16438 (part), 1997)

12.05.130 Holding Tank Sewage Systems.

- (1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.
- (2) The Health Officer may approve installation of holding tank sewage systems only:
 - (a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle

parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under SCC 12.05.170(1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by the department;

(b) Submit a management program to the Health Officer assuring ongoing operation and maintenance before the Health Officer issues the installation permit; and

(c) Use a holding tank on the current approved list under WAC 246-272-11501(5)(d) and included in SCC 12.05.120(d). (Ord. 16438 (part), 1997)

12.05.140 Installation.

(1) The Health Officer and the department shall require approved (certified) installers to construct OSS, except as noted under subsection (2) of this section.

(2) The Health Officer may allow:

(a) the resident owner of a single family residence to install the OSS for that single family residence,

(b) a property owner to install the OSS for their own non-residential use when:

(i) The OSS is either located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed (recorded with the Skagit County Auditor's Officer) as an encumbrance.

(ii) The OSS is a conventional gravity system or the single family resident\property owner successfully passes the installer's exam.

(iii) The single family resident\property owner is limited to installing no more than two installations in any consecutive five (5) year period.

(3) The installer described by either (1) or (2) of this section shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

- (c) Notify the Health Officer and the system designer prior to installation if soil/site conditions have changed to invalidate the approved design;
- (d) Only install septic tanks, pump chambers, and holding tanks approved by the department;
- (e) Be on the site during the excavation and construction of the OSS;
- (f) Install the OSS to be watertight, except for the disposal component;
- (g) Cover the installation only after the Health Officer has given approval to cover; and
- (h) Backfill and grade the site to prevent surface water from accumulating over any component of the OSS. (Ord. 16438 (part), 1997)

12.05.150 Inspection.

- (1) The Health Officer shall:
 - (a) Visit the OSS site during the site evaluation and/or construction and/or final construction inspection;
 - (b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if:
 - (i) The designer is qualified; and
 - (ii) The designer is not also named as installer of the system; and
 - (iii) A qualified installer installed the OSS.
 - (c) Require, as a minimum, the following stages of construction be inspected and approved:
 - (i) Septic tanks, pumping chambers, holding tanks or proprietary devices;
 - (ii) Construction materials (i.e. sand, gravel, piping, pumps, etc.) included in the design;
 - (iii) Pressure tests (hydraulic head and all electronic components); and
 - (iv) Any other system components or special tests (inspections) required in the approved design.
 - (d) Allow drainfield system use and/or new building occupancy after review and approval of the "as-built" and/or

"record" drawings.

- (e) Keep the "as-built" and/or "record" drawings on file and will submit a copy to the OSS owner along with the materials required in SCC 12.05.160(2)(a).
- (2) The person responsible for the construction inspections and/or the final construction inspection shall:
- (a) Assure the OSS meets the approved design; and
 - (b) Direct the person responsible for final cover of the system to place a permanent marker at finished grade where needed to identify the location of the septic tank's first manhole.
- (3) The designer shall be responsible for notifying the Health Officer at least one working day prior to installation of the OSS system and provide the following information:
- (a) the permit number of the system,
 - (b) the installer of the system,
 - (c) the start date of the system,
 - (d) the estimated completion date of the system, and
 - (e) the qualified designer responsible for inspections.
- (4) The designer or installer, as directed by the Health Officer, shall develop and submit a complete and detailed, "as-built" or "record" drawings to both the Health Officer and the OSS owner that include:
- (a) For new OSS, measurements to existing site features enabling the first tank manhole to be easily located, and a dimensioned reserve area; and
 - (b) For repaired or altered OSS, the new, repaired, or altered components with their relationship to the existing system.
- (5) The OSS owner/agent shall obtain final approval of the system installation from the Health Officer. (Ord. 16438 (part), 1997)

12.05.160 Operation and Maintenance.

- (1) The OSS owner is responsible for properly operating and maintaining the OSS, and shall:
- (a) Determine the level of solids and scum in the septic tank once every three years;
 - (b) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
 - (c) Protect the OSS area and the reserve area from:

- (i) Cover by structures or impervious material;
 - (ii) Surface drainage;
 - (iii) Soil compaction, for example by vehicular traffic or livestock; and
 - (iv) Damage by soil removal and grade alteration;
- (d) Keep the flow of sewage to the OSS at or below the approved design both in quantity and waste strength;
 - (e) Operate and maintain alternative systems as directed by the Health Officer; and
 - (f) Direct drains, such as footing or roof drains away from the area where the OSS is located.
- (2) The Health Officer shall:
- (a) Provide operation and maintenance information to the OSS owner upon approval of any installation, repair, or alteration of an OSS; and
 - (b) Develop and implement plans to:
 - (i) Monitor all OSS performance within areas of special concern;
 - (ii) Initiate periodic monitoring of each OSS no later than January 1, 2000, to assure that each OSS owner properly maintains and operates the OSS in accordance with this section and in accordance with other applicable operation and maintenance requirements.
 - (iii) Disseminate relevant operation and maintenance information to OSS owners through effective means routinely and upon request; and
 - (iv) Assist in distributing educational materials to OSS owners.
- (3) Persons shall not:
- (a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning.
 - (b) Use a sewage system additive unless it is specifically approved by the department; or
 - (c) Use an OSS to dispose of waste components not typical of residential wastewater.

- (4) The Health Officer shall require:
 - (a) annual inspections of OSS serving Health Department regulated establishments such as: food service operations, camping facilities, mobile home parks, etc. and;
 - (b) the review and approval of the OSS if Health Department inspections or plan reviews document the potential for quality or quantity changes to the establishment's sewage flow.
- (5) The Health Officer may require the owner of the OSS to:
 - (a) Use one or more of the following management methods or another method consistent with the following management methods for proper operation and maintenance:
 - (i) Obtain and comply with the conditions of a renewable or operational permit;
 - (ii) Employ a public entity eligible under Washington state statutes to, directly or indirectly, manage the OSS; or
 - (iii) Employ a private management entity, guaranteed by an public entity eligible under Washington state statutes or sufficient financial resources, to manage the OSS;
 - (b) Evaluate any effects the OSS may have on ground water or surface water; and/or
 - (c) Dedicate easements for inspections, maintenance, and potential future expansion of the OSS.
- (6) Persons may obtain a handbook with material outlining management methods to achieve proper operation, maintenance, and monitoring of OSS from the department one year after the effective date of this chapter.
- (7) The Health Officer may require installation of observation ports in each individual lateral or bed which extend from the bottom of the gravel to the finished grade for monitoring OSS performance. (Ord. 16438 (part), 1997)

12.05.170 Repair of Failures.

- (1) When an OSS failure occurs, the OSS owner shall:
 - (a) Repair or replace the OSS with a conforming system or a Table VI repair either on the:
 - (i) Property served; or
 - (ii) Nearby or adjacent property if easements are

obtained; or

- (b) Connect the residence or facility to a:
 - (i) Publicly owned LOSS; or
 - (ii) Privately owned LOSS where it is deemed economically feasible; or
 - (iii) Public sewer; or
- (c) Perform one of the following when requirements in subsections (1) (a) or (1) (b) of this section are not feasible:
 - (i) Use a holding tank; or
 - (ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the Health Officer determines:
 - (A) An OSS is not feasible; and
 - (B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or
 - (iii) Abandon the property.
- (2) Prior to replacing or repairing the effluent disposal component, the OSS owner shall develop and submit information required under SCC 12.05.090(1).
- (3) The Health Officer shall permit a Table VI repair only when:
 - (a) Installation of a conforming system is not possible; and
 - (b) Connection to either an approved LOSS or a public sewer is not feasible.
- (4) The person responsible for the design shall locate and design repairs to:
 - (a) Meet the requirements of Table VI if the effluent treatment and disposal component to be repaired or replaced is closer to any surface water, well, or spring that is not used as a public water source as prescribed by the minimum separation required in Table 1 of SCC 12.05.100(1);

TABLE VI

**REQUIREMENTS FOR REPAIR OR REPLACEMENT OF DISPOSAL COMPONENTS
NOT MEETING VERTICAL AND HORIZONTAL SEPARATIONS^{1,2}**

Vertical Separation in feet	Horizontal Separation in Feet ³		
	< 25	25-50	> 50-100
<1	Treatment Standard 1	Treatment Standard 1	Treatment Standard 2 ⁴
1-2	Treatment Standard 1	Treatment Standard 2 ⁴	Pressure Distribution
>2	Treatment Standard 2 ⁴	Pressure Distribution	Pressure Distribution

¹ The treatment standards refer to effluent quality before discharge to unsaturated, subsurface soil.

² The Health Officer may permit ASTM C-33 sand to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

³ The horizontal separation indicated is the distance between the disposal component and the surface water, well, or spring. If the disposal component is up-gradient of a surface water, well, or spring to be used as a potable water source, the next higher standard level of treatment shall apply unless treatment standard 1 is already being met.

⁴ Mound systems are not allowed to meet treatment standard 2.

- (b) Protect drinking water sources;
- (c) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;
- (d) Meet the horizontal separations under SCC 12.05.100(1) to public drinking water sources;
- (e) Meet other requirements of this chapter to the maximum extent permitted by the site and, as necessary, to protect the public's health;
- (f) Maximize the:
 - (i) Vertical separation;

- (ii) Distance from a well, spring, or suction line;
and
 - (iii) Distance to surface water;
- (5) The Health Officer shall identify Table VI repair permits for the purpose of tracking future performance.
- (6) An OSS owner receiving a Table VI repair permit from the Health Officer shall:
 - (a) Immediately report any failure to the Health Officer;
 - (b) Monitor the performance of the OSS according to the "Interim Guidelines for the Application of Treatment Standards 1 & 2, using Alternative On-site Sewage Treatment/Disposal Systems" amended August 4, 1992, (available upon written request to the department of health) and report the results to the Health Officer at a minimum frequency of:
 - (i) Quarterly when treatment standard 1 is required;
and
 - (ii) Annually when treatment standard 2 is required;
 - (b) Comply with all local and state requirements stipulated on the permit.
- (7) Water Quality Improvement Loans.
 - (a) The Skagit County Board of Health hereby establishes a county-wide water quality loan program under the provisions of RCW 35.80 and RCW 90.72 to use public money to assist property owner(s) in the cost of repairing failing on-site sewage systems.
 - (b) The Health Officer and the County Treasurer shall establish and administer the loan program. Funding may be prioritized or directed to repair those failures causing the greatest public health impact as determined by the Health Officer. The OSS repair program shall be subject to the availability of funds.
 - (c) OSS repair loan applicant(s) shall submit:
 - (a) Completed applications and forms to the Treasurer's office,
and
 - (b) A non-refundable application processing fee to cover the cost of a credit check and title search.
 - (d) Repayment of the loans shall be made to the County Treasurer

subject to the terms of the loan agreement.

- (e) The loan(s) shall be secured by a promissory note and a deed of trust, which shall, when filed, place a lien upon the premises.
- (f) Prior to granting a loan, the County Treasurer shall notify in writing the holder of any mortgage or deed of trust or other lien or encumbrance of record that an application has been made to repair the OSS located on the property. The loan will be granted within ten (10) days unless an objection has been made.
- (g) The notification shall explain that in the event of default, the County Treasurer shall enter the amount owed as an assessment and tax lien upon the tax rolls against the property for the current year and the same shall become part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided in RCW 84.56 and RCW 84.60, as now, or hereafter amended, for delinquent taxes, and then collected to be deposited to the Water Quality Improvement Fund.
- (h) Penalties for Late Charges. In the event that any payment is received fifteen (15) or more days after the scheduled payment date, an additional 10 percent interest charge on the monthly payment due shall be assessed. All such interest shall be remitted with the delinquent payment. (Ord. 16438 (part), 1997)

12.05.180 Expansions.

- (i) The Health Officer or department shall require an on-site sewage system and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility. (Ord. 16438 (part), 1997)

12.05.190 Abandonment.

Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil. (Ord. 16438 (part), 1997)

12.05.200 Septage Management.

- (1) An individual shall be approved by the Health Officer as a qualified (certified) pumper before removing septage from an OSS.
- (2) Persons removing septage from an OSS shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the Health Officer;
- (b) Submit monthly reports on forms approved by the Health Officer that record septage removal and disposal.
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.
- (j) (3) Skagit County shall establish adequate disposal sites for County generated septage. (Ord. 16438 (part), 1997)

12.05.205 Operation, monitoring and maintenance program.

- (1) The Health Officer shall establish and administer an Operation, Monitoring and Maintenance notification, education and regulatory program.
- (2) The notification, education and regulatory program will include inventory, education, data management, documentation, reporting, and enforcement. (Ord. 17743 (part), 1999)

12.05.210 Developments, subdivisions, and minimum land area requirements.

- (1) A person proposing the development shall obtain approval from the Health Officer prior to any development where the use of OSS is proposed.
- (2) The health officer shall require the following prior to approving any development:
 - (a) Site evaluations as required under SCC 12.05.120.
 - (b) Where a subdivision with individual wells is proposed:
 - (i) Configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the lot lines; or
 - (ii) Establishment of a 100-foot protection zone around each existing and proposed well site;
 - (c) Where preliminary approval of a subdivision, excluding short plats, is requested, provision of at least one soil log per proposed lot, unless the Health Officer determines existing soils information allows fewer soil logs;
 - (d) Determination of the minimum lot size or minimum land area

required for the development using Method I and/or Method II:

- (i) **METHOD I.** Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage.

**TABLE VII
MINIMUM LAND AREA REQUIREMENT
SINGLE FAMILY RESIDENCE OR UNIT VOLUME OF SEWAGE**

Type of Water Supply	Soil Type (defined by section 110 of this chapter)					
	1A, 1B	2A, 2B	3	4	5	6
Public	0.5 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 acre ¹	1 acre	1 acre	1 acre	2 acres	2 acres

¹ Due to the highly permeable nature of Soil Type 1A, only alternative systems which meet or exceed Treatment Standard 2 can be installed.

- (ii) **METHOD II.** A minimum land area proposal using Method II is acceptable only when the applicant:
- (A) Justifies the proposal through a written analysis of the:
- (I) Soil type and depth;
 - (II) Area drainage, and/or lot drainage;
 - (III) Public health impact on ground and surface water quality;
 - (IV) Setbacks from property lines, water supplies, etc;
 - (V) Source of domestic water;
 - (VI) Topography, geology, and ground cover;
 - (VII) Climatic conditions;
 - (VIII) Availability of public sewers;
 - (IX) Activity or land use, present, and anticipated;
 - (X) Growth patterns;
 - (XI) Reserve areas for additional

- (XII) subsurface treatment and disposal;
 - (XIII) Anticipated sewage volume;
 - (XIV) Compliance with current planning and zoning requirements;
 - (XV) Possible use of alternative systems or designs;
 - (XVI) Existing encumbrances, such as listed in SCC 12.05.090(1)(c)(v) and SCC 12.05.; and
 - (XVI) Any other information required by the Health Officer.
- (B) Shows development with public water supplies having:
- (I) At least 12,500 square feet lot sizes per single family residence;
 - (II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and
- (C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and
- (D) Shows land area under surface water is not included in the minimum land area calculation; and
- (E) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the Health Officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:
- (i) Install conforming OSS;
 - (ii) Assure preservation of reserve areas for proposed and existing OSS;
 - (iii) Properly treat and dispose of the sewage; and
 - (iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.
- (3) The Health Officer shall require lot areas of 12,500 square feet or larger except when a person proposes:
- (a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
 - (b) A planned unit development with:

- (i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;
- (ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;
- (iii) Management requirements under WAC 246-272-08001 when installing a LOSS; and
- (iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The Health Officer may:

- (a) Allow inclusion of the area to the centerline of a road or street right-of-way in a Method II determination under subsection SCC 12.05.220 (2)(d)(ii) to be included in the minimum land area calculation if:
 - (i) The dedicated road or street right-of-ways are along the perimeter of the development;
 - (ii) The road or street right-of-ways are dedicated as part of the proposed development; and
 - (iii) Lots are at least 12,500 square feet in size.
- (b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;
- (c) Require larger land areas or lot sizes to achieve public health protection;
- (d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and
- (e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:
 - (i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;
 - (ii) The lot is outside an area of special concern where minimum land area has been listed as a design parameter necessary for public health

protection; and

- (iii) The proposed system meets all requirements of these regulations other than minimum land area. (Ord. 17743 (part), 1999: Ord. 16438 (part), 1997)

12.40.220 Areas of Special Concerns.

- (1) The local Board of Health in consultation with the Department shall hold public hearing(s) to identify and delineate areas of special concern 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 twenty (20) 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, chapter 36.70A.170 RCW;
 - (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 chapter 173-200-090 WAC, 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 delineated by the Federal Emergency Management Agency; and
 - (i) Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

- (3) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, 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, to reduce risk of system failures, a person approved or designated by the Health Officer shall:
 - (a) Inspect every OSS at least once every three years;
 - (b) Submit the following written information to both the Health Officer and the property owner within 30 days following the inspection:
 - (i) Location of the tank(s);
 - (ii) Structural condition of the tank(s), including baffles;
 - (iii) Depth of solids in tank(s);
 - (iv) Problems detected with any part of the system;
 - (v) Maintenance needed;
 - (vi) Maintenance provided at time of inspection; and
 - (vii) Other information as required by the Health Officer.
 - (c) Immediately report failures to the Health Officer. (Ord. 16438 (part), 1997)

12.05.230 Certification of designers, installers, pumpers, inspectors, and maintenance personnel.

- (1) Guidelines defining qualifications for designers, installers, pumpers, inspectors and maintenance personnel shall be

established by the department. The guidelines shall include, but not be limited to education, experience, testing, and certification.

(2) The Health Officer:

(a) Shall require anyone engaged in the practice of sewage system design, installation, pumping, operation, monitoring or maintenance in Skagit County be certified;

(b) Shall exempt certification requirements for:

(i) Washington State professional engineers;

(ii) Certified Skagit County designers, installer and pumpers before the effective date of this code;

(iii) single family resident owners to design conventional gravity systems (SCC 12.05.120(1) (a) (b)); and

(iv) all property owners to install conventional gravity systems (SCC 12.05.140(2) (b) (i) (ii) (iii)); and

(c) Shall organize and maintain a certification program based upon knowledge, experience and performance.

(3) A certificate for a designer, installer or pumper shall:

(a) Be issued for the calendar year;

(b) Not be transferable;

(c) Be renewed yearly by December 31st; and

(c) 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.

Note: The requirements noted for designer certification are no longer valid. Designers are now required to be licensed by the Washington Department of Licensing under Chapter 18.210 RWC.

(4) Specific requirements to become certified include completing the following procedures.

(a) A designer applicant shall:

(i) Submit an approved application form provided by the Health Officer;

(ii) Pay an application fee(s) for each exam taken;

(iii) Pass a written and/or field examination with a

score of 70 percent or better;

- (iv) Pay certification fee upon passing the examination(s);
- (v) Demonstrate any combination of education and/or field experience that is determined by the Health Officer to be equivalent to one of the following:
 - (A) Two (2) years of full-time equivalent employment within the last five years directly under a Washington PE practicing in OSS or a Skagit County certified on-site sewage designer;
 - (B) At least 30 semester hours/credit units of science from an accredited college and one (1) year of full-time equivalent employment in the last three years directly under a Washington PE practicing in OSS or a Skagit County certified designer; or
 - (C) Two (2) years of full-time equivalent employment within the last five years as a qualified designer in any other Washington health jurisdiction; and
- (vi) Provide completed verification of experience form(s) as supplied by the Health Officer, documenting experience in this section(4) (a) (v) (A-C).
- (vii) Prior to issuance of a designer's certificate, the applicant shall provide a bond executed by a surety company on a form approved by the prosecuting attorney. The bond shall:
 - (A) be in a sum of ten thousand dollars (\$10,000.00);
 - (B) be executed by a surety company authorized to do business in the State of Washington;
 - (C) be conditioned that the holder of the designer'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 and regulations;
 - (D) be kept in effect during the period of

time for which the designer's certificate is issued;

(E) remain in force for one (1) year following cancellation of and/or termination of a designer's certificate; and

(F) automatically and without notice cause the suspension of the designer's certificate upon cancellation or termination.

(b) An installer applicant shall:

(i) Submit an approved application form provided by the Health Officer;

(ii) Pay an application fee(s) for each exam taken;

(iii) Pass a written and/or field examination with a score of 70 percent or better;

(iv) Pay certification fee upon passing the examination(s);

(v) Demonstrate any combination of education and/or field experience that is determined by the Health Officer to be equivalent to one of the following:

(A) Two (2) years of full-time equivalent employment within the last five years directly under a Skagit County certified installer;

(B) Two (2) years of full-time equivalent employment within the last five years as an approved installer in any other Washington state health jurisdiction;

(vi) Provide completed verification of experience form(s) as supplied by the Health Officer, documenting experience in this section (4)(b)(v)(A or B); and

(vii) Prior to issuance of an installer certificate, the applicant shall 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 Revised Code of Washington.

(c) A pumper applicant shall:

- (i) Submit an approved application form provided by the Health Officer;
- (ii) Pay an application fee(s) for each exam taken;
- (iii) Pass a written and/or field examination with a score of 70 percent or better;
- (iv) Pay certification fee upon passing the examination(s);
- (v) Demonstrate any combination of education and/or field experience that is determined by the Health Officer to be equivalent to one of the following:
 - (A) Three (3) months of full-time equivalent employment or 80 septic tank pumpings within the last two years directly under a Skagit County certified pumper; or
 - (B) One (1) year of full-time equivalent employment within the last three years as an approved pumper in any other Washington state health jurisdiction; and
- (vi) Provide completed verification of experience form(s) as supplied by the Health Officer, documenting experience in this section (4)(c)(v)(A or B).
- (vii) Prior to issuance of a pumper certificate, the applicant shall provide a bond executed by a surety company on a form approved by the prosecuting attorney. The bond shall:
 - (A) be in a sum of four thousand dollars (\$4,000.00);
 - (B) be executed by a surety company authorized to do business in the State of Washington;
 - (C) 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 and regulations;
 - (D) be kept in effect during the period of time for which the pumper's certificate

is issued;

(E) remain in force for one (1) year following cancellation of and/or termination of a pumper's certificate; and

(F) automatically and without notice cause the suspension of the pumper's certificate upon cancellation or termination.

(d) A property owner applicant wanting to design and/or install their own residential alternative OSS shall:

(i) Submit an approved application form provided by the Health Officer;

(ii) Pay an application fee(s) for each exam taken;

(iii) Pass a written examination with a score of 70 percent or better for the specific OSS required for their property;

(iv) Submit an accurate soil and site evaluation as required in SCC 12.05.110 of this code for an alternative OSS for their property; and

(v) Design and/or install only the OSS for which they have received a valid permit and for which they have been tested and passed.

(5) Any person who operates, monitors or maintains an OSS who is not an OSS owner shall be a certified designer or installer. Certified designers or installers who operate, monitor or maintain an OSS shall:

(a) Complete 4 CEUs of Health Officer approved classroom (training) time related to the operation, monitoring or maintenance of septic systems prior to doing monitoring and maintenance related work;

(b) Complete 1 CEU of operation, monitoring or maintenance classroom time for every year after the initial (4 CEU) training; and

(c) Complete these CEUs during each calendar year in addition to the 1 CEU required to maintain designer and/or installer certification (See 7c below).

This certification shall remain in effect until a state approved Maintenance Specialist credentialing program has been

established, approved and is in use.

- (6) Any certified designer, installer or pumper shall be required to notify the Health Officer in writing within five working days of any change in their business and/or home address and phone number where they can be reached.
- (7) Any person currently certified in Skagit County may renew their certification for the upcoming year by completing and submitting the following by December 31st:
 - (a) Submit a renewal application made on forms provided by the Health Officer;
 - (b) Pay renewal certification and/or application fees; and
 - (c) Verify that 8 hours of Health Officer approved classroom (training) time (1 CEU) has been obtained during the calendar year for each certification that has been granted.
- (8) Under the provisions of SCC 12.05.290(4)(f)(i) the Health Officer may deny, suspend or revoke a certificate for any one 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 submitted to the Health Officer;
 - (c) Willful and repeated disregard or violation of any rule or regulation in this chapter;
 - (d) Willfully aiding or abetting another person in violation of any rule or regulation in this chapter;
 - (e) Conviction of any crime related to the practice of which a person could be certified;
 - (f) Makes false promises/misrepresentations through written or verbal advertising, salesmen, agents, or otherwise in connection with the practice of being a designer or installer or pumper; or
 - (g) Has two or more unpaid final judgments against them relating to OSS practice. (Ord. 17743 (part), 1999: Ord.16438 (part), 1997)

12.05.240 Technical Review Committee.

- (1) The department shall:

- (a) Maintain a committee, as specified in WAC 246-272-23501. (Ord. 16438 (part), 1997)

12.05.250 State advisory committee.

- (1) The department shall:
 - (a) Maintain an on-site sewage advisory committee under WAC 246-272-24001. (Ord. 16438 (part), 1997)

12.05.260 Appeals/Waivers of regulations.

- (1) Any aggrieved person may appeal a determination by the Health Officer or request a waiver from the requirements included in this chapter. Application for appeal(s)/waiver(s) will be on forms provided by the Permit Center and will require payment of a fee at the time of submittal.
- (2) The Health Officer may grant an appeal/waiver from specific requirements in this chapter for OSS under 3500 gallons per day only after the following procedure has been completed:
 - (a) The applicant submits an appeal/waiver application for a specific site to the Health Officer, including justification describing how the requested appeal or waiver is consistent with the purpose and objectives to meet the public health intent of this chapter;
 - (b) The Health Officer reviews the application and determines whether the appeal/waiver is consistent with the standards in and the intent of this chapter. Appeals must be submitted to the Permit Center within ten working days of the date of determination.
 - (c) The Health Officer will make a decision in writing within ten working days whether to approve, conditionally approve or deny the appeal/waiver request.
- (3) Any waiver that would reduce any standard or requirement contained in Chapter 246-272 WAC, "On-site Sewage Disposal," will require concurrence of the Department.
- (4) Any action of the Health Officer may be appealed to the Board of Health. Board of Health appeals must be made in writing within 10 working days of the date of the Health Officer's decision. The Health Officer will advise the Board of Health of the relative risk and danger to the public's health should the request be approved. The hearing shall be de novo (new) and shall occur at a regularly scheduled meeting of the Board of Health.

- (5) The action of the Board of Health on any decision approving or disapproving any application or certificate shall be reviewable for unlawful, arbitrary, capricious or corrupt action or non-action by writ of review before the Superior Court of Skagit County. Application for a writ of review (appeal) shall be made to the court within thirty (30) days from the signing of any decision so to be reviewed. (Ord. 16438 (part), 1997)

12.05.270 Inspection/Right of Entry

(1) Inspection/Right of Entry

- (a) 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 has been or is being committed, the inspector may enter any building, structure, property or portion thereof at reasonable times to inspect the same. Access shall be obtained as follows:

(i) Non-residential:

- (A) If such 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.

- (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.

If the inspector is unable to locate the owner or such other persons, and he has reason to

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believe that conditions therein create an immediate and probable health hazard, he shall make entry with an inspection warrant.

(ii) Residential

- (A) 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.

- (B) 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 therefore. A copy of the posted notice shall be mailed to the owner of record.

The notice shall state that contact by the occupant is requested by the inspector and that if the occupant fails to contact the inspector within seventy-two hours to arrange a time for such inspection, an inspection warrant may be requested as authorized by Washington State law.

- (b) 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. (Ord. 16438 (part), 1997)

12.05.280 Enforcement.

- (1) The Health Officer:
 - (a) Shall enforce the rules of chapter 12.04 SCC; and
 - (b) May refer cases within Skagit County's jurisdiction to the prosecutor's office.
- (2) When a person violates the provisions under this chapter, the Health Officer may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including but not limited to any one or a combination of the following:
 - (a) Informal administrative conferences, convened at the request of the Health Officer or owner, to explore facts and resolve problems;
 - (b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of SCC 12.04;
 - (c) Denial, suspension, modification, or revocation of permits, approvals, or certification; and
 - (d) Civil or criminal action.

- (e) Class 1 Civil infractions pursuant to Chapter 7.80 RCW;
 - (f) Nothing in this chapter shall be construed to prevent application for immediate injunctive relief by the Prosecuting Attorney if the Health Officer determines there is potential for a health hazard in the county by reason of any person's action or failure to take action.
- (3) Orders authorized under this section include the following:
- (a) Orders requiring corrective measures necessary to effect compliance with chapter SCC 12.04 which may include a compliance schedule; and
 - (b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.
- (4) Enforcement orders issued under this section shall:
- (a) Be in writing;
 - (b) Name the person or persons to whom the order is directed;
 - (c) Briefly describe each action or inaction constituting a violation of the rules of SCC 12.04;
 - (d) Specify any required corrective action, if applicable;
 - (e) Specify the effective date of the order, with time or times of compliance;
 - (f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:
 - (g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.
- (5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.
- (6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:
- (a) Failed or refused to comply with the provisions of SCC 12.04 or any other statutory provision or rule regulating the operation of an OSS; or
 - (b) Obtained or attempted to obtain a permit or any other

required certificate or approval by misrepresentation.(Ord. 16438 (part), 1997)

12.05.290 Notice of decision

- (1) All local boards of health shall:
 - (a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and
 - (b) Establish rules for conducting hearings requested to contest a Health Officer's actions.(Ord. 16438 (part), 1997)

12.05.300 Fees.

- (1) Permit fees, certification fees and Health Officer charges for service(s) shall be established by resolution of the Board of County Commissioners. All fees are payable at the time of application or service.(Ord. 16438 (part), 1997)

12.05.310 Severability.

- (1) If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.(Ord. 16438 (part), 1997)

12.05.320 Effective Date.

- (1) This ordinance shall be in full force and effect from and after it's passage and approval as provided by law.(Ord. 16438 (part), 1997)