

Chapter 12.05
ON-SITE SEWAGE CODE—RULES AND REGULATIONS

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12.05.010 Purpose, objectives and authority.

- (1) Refer to WAC 246-272A-0001
- (2) The purpose of this Chapter is to protect the public health by minimizing:
 - (a) The potential for public exposure to sewage from on-site sewage systems; and
 - (b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.
- (3) 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.
- (4) This Chapter is adopted by the Skagit County Board of Health in accordance with the authority granted in Chapter 70.05 RCW.

12.05.020 Administration

The Skagit County Health Officer and the Skagit County Board of Health shall administer this Chapter under the authority and requirements of Chapters 70.05, 70.118, 70.118A, and 43.70 RCW. Under RCW 70.05.060(7), fees may be charged for this administration. (Ord. 16438 (part), 1997)

12.05.XXX On-site Sewage System Rules and Regulations Adopted.

These rules and regulations hereby adopt as minimum requirements Chapter 246-272A WAC, *State Board of Health On-site Sewage System Rules and Regulations* as now codified or hereafter amended. When a section of these regulations conflicts with the Chapter 246-272A WAC, the more restrictive regulation shall apply.

12.05.030 Definitions.

Terms used in this regulation shall have the meaning provided in WAC 246-272A-0010, hereby adopted by reference unless otherwise provided below.

- (1) Acronyms used in this chapter:

“ANSI” means American National Standards Institute.

“BOD” means biochemical oxygen demand, typically expressed in mg/L.

“**CBOD₅**” means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

“**FC**” means fecal coliform, typically expressed in number colonies/100 ml.

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

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

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

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

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

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

“**TAC**” means the technical advisory committee established in EAC 247-272A-0400.

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

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

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

(2) Definitions used in this chapter:

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

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

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

“**Bed**” means a soil dispersal component consisting of an excavation with a width greater than three feet.

“**Building sewer**” means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a

building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

“Board of Health” means the Skagit County Board of Health 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 pumper, installer or operations and maintenance specialist in Skagit County.

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

“CEU (Continuing Education Unit)” means eight (8) hours of health officer approved classroom (training) time.

“Conforming system” means any on-site sewage system or component, meeting any of the following criteria:

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

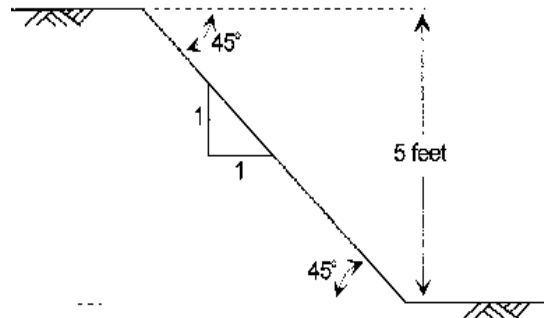
“Conventional gravity system” means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

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

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

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

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



“Department” means the Washington State Department of Health.

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

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

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

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

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

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

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

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

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

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

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

(a) Causes the sewage quantity or quality to exceed existing design flow of the on-site system, for example, when a residence is increased from two 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.

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

(a) Sewage on the surface of the ground,

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a sewage tank, or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists; or

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

(f) Noncompliance with standards stipulated on the permit.

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

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

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

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

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often

indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see “Water table.”

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

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

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

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

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

“Installer” means a person approved by a health officer to install or repair on-site sewage systems or components.

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

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

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

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

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

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

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

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

- (a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and
- (b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

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

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

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

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

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

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

“Public sewer system” means a sewerage system:

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

(b) Approved by or under permit from the department of ecology, the department of health and/or the Health Officer.

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

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

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

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

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

“Residential sewage effluent” means effluent that does not exceed a 5-day biochemical oxygen demand (BOD5) of 230 milligrams per liter, total suspended solids of 145 milligrams per liter and fats, greases and oils 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.

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

“SCC” means Skagit County Code.

“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.

“Septic system” see “on-site sewage system” or “OSS.”

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

“Sewage quality” means contents in sewage that include:

- (a) CBOD₅, TSS, and O&G;
- (b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;
- (c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

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

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

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

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

“Soil type” means one of seven numerical classifications of fine earth particles and coarse fragments as described in WAC 246-272A and SCC 12.05.

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

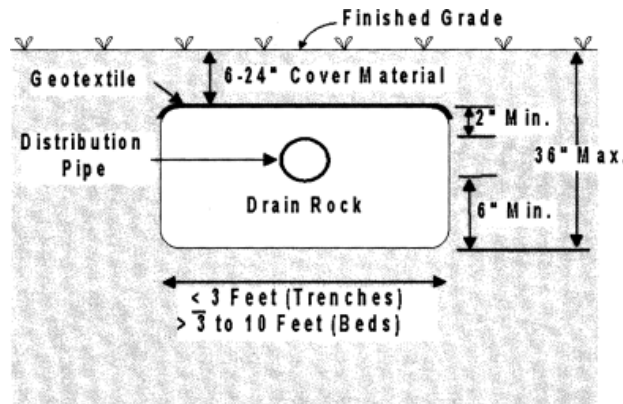
“Strong structure” means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

“Subdivision” means a division of land or creation of lots or parcels, described under Chapter 58.17 RCW, including, but not limited to, both long and short subdivisions, planned unit developments, and mobile home parks.

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

“SSAS” or “subsurface soil absorption system” means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as

established in this chapter, with either gravity or pressure distribution of the treatment component effluent.



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

“Timed dosing” means delivery of discrete volumes of sewage at prescribed time intervals.

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

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

- (a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and
 - (b) Match site conditions of vertical separation and soil type with treatment components.
- Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

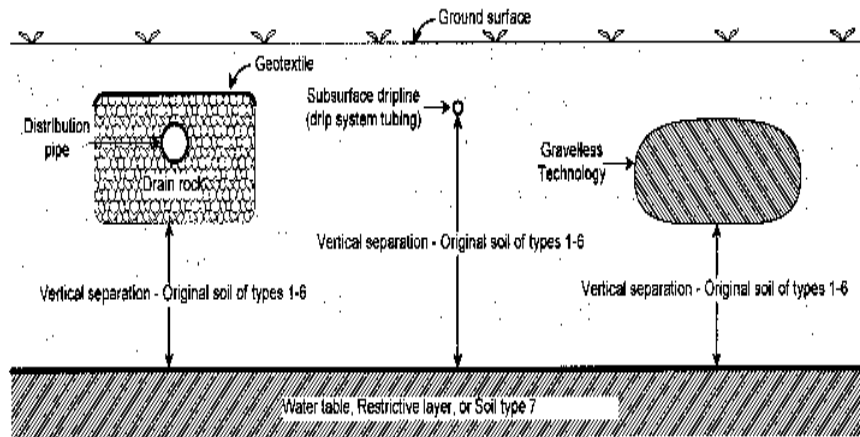
“Treatment sequence” means any series of treatment components that discharges treated sewage to the soil dispersal component.

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

“Unit volume of sewage” means:

- (a) Flow from a single family residence;
- (b) Flow from a mobile home site in a mobile home park; or
- (c) Four hundred fifty gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

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



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

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

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

Excluded are:

- (a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- (b) An observation or monitoring well used to measure the effect of an OSS on a water table; and
- (c) Interceptor or curtain drain constructed to a lower water table.

12.05.XXX Local Management and Regulation

Refer to WAC 246-272A-0015

GENERAL REQUIREMENTS

12.05.040 Applicability.

- (1) Refer to WAC 246-272A-0020
- (2) 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.

12.05.XXX Connection to public sewer system.

- (1) Refer to WAC 246-272A-0025.
- (2) This Section shall not apply to properties where connection to a public sewer system is prohibited by land use or development regulations.

SEWAGE PRODUCTS & TECHNOLOGIES

12.05.050 Sewage treatment and distribution technologies.

- (1) Refer to WAC 246-272A-0100 through WAC 246-272A-0150.
- (2) Pursuant to WAC 246-272A-0100, recommended standards and guidance (RS&G) as developed by the Washington State Department of Health for testing, performance, application, design and operation and maintenance for proprietary treatment products are hereby adopted.
- (3) The Health Officer may require performance monitoring or sampling of any proprietary device or method.

12.05.060 Product development permits.

Refer to WAC 246-272A-0170.

12.05.085 Similk Beach LAMIRD.

- (1) The following shall apply to properties within the boundaries of the Similk Beach LAMIRD:
 - (a) On-site sewage systems owners are required to:
 - i. Have their OSS inspected by a Certified Operations and Maintenance Specialist annually per WAC 246-272A-0270 and SCC 12.05.160; or
 - ii. Have the OSS inspected more frequently as determined by the Health Officer; and
 - (b) If the OSS is found to be in failure, the OSS owner shall repair the failure within thirty (30) days. Extension of the thirty (30) day connection date may be granted only with the written approval of the Skagit County Health Officer.

12.05.090 Permits requirements.

Refer to WAC 246-272A-0200

12.05.100 Location.

Refer to WAC 246-272A-0210

12.05.110 Soil and site evaluation.

- (1) Refer to WAC 246-272A-0220.
- (2) The Health Officer shall require water table measurements to be documented during the wet season, if insufficient information is available to determine the highest seasonal water table.

12.05.120 Design requirements - general.

- (1) Refer to WAC 246-272A-0230.
- (2) The Health Officer shall require that on-site sewage systems be designed only by engineers licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW.
- (3) Designers and engineers shall verify previously approved soil and site evaluations prior to design to assure conditions have not changed and the soil and site evaluations contain accurate information.
- (4) A resident owner of a single family residence may design an on-site sewage treatment system for their residence only when the following applies: The OSS is a conventional gravity system, or pump to gravity system; and

- (a) The resident owner has not designed more than two on-site sewage treatment systems in a five (5) year period, and
 - (b) The property is not adjacent to a marine shoreline, and
 - (c) Written approval by the Health Officer is obtained before installation.
- (5) When proposing the use of an OSS for non-residential sewage, the designer shall provide to the Health Officer:
- (c) Information to show the sewage is not industrial wastewater;
 - (d) Information to establish the sewage's strength characteristics (BOD5, total suspended solids, and fat, grease and oil levels) and identify chemicals found in the sewage that are not found in residential sewage; and
 - (e) A design providing treatment equal to that required of residential sewage "effluent."
- (6) The Health Officer shall require a notice to be recorded with the County Auditor whenever a design contains a Proprietary Treatment Product (PTP) listed by the Washington State Department of Health, that requires a perpetual operation and maintenance contract.

12.05.XXX Design requirements – septic tank sizing

- (1) Refer to WAC 246-272A-0232(1).
- (2) Septic tanks shall have the following minimum liquid volumes:
 - (a) For a single family residence use the following table (in lieu of Table VII of WAC 246-272-0232(2),

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤ 3	1000
4	1250
Each Additional Bedroom	250

12.05.XXX Design requirements – soil dispersal components

- (1) Refer to WAC 246-272A-0234.
- (2) Loading rates in Table VIII of WAC 246-272A-234(1)(d)(i) may be increased up to a factor of two for soil types 1 – 4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet at least treatment level D or better is used.

- (3) Reserve areas cannot be between trenches unless authorized by the Health Officer.

12.05.XXX Design requirements – facilitate operation, monitoring and maintenance

- (1) Refer to WAC 246-272A-0238.
- (2) For systems using pumps, diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on both the water supply and sewage stream are required.

12.05.130 Holding tank sewage systems.

- (1) Refer to WAC 246-272A-240.
- (2) Holding tank sewage systems may be used only if they meet the DOH recommended standards and guidance for holding tank sewage systems.

12.05.140 Installation.

- (1) Refer to 246-272A-0250
- (2) A resident owner of a single family residence may install an on site sewage treatment system for their residence only when the following applies:
 - (a) The OSS is a conventional gravity system which may include pumps to a conventional drain field;
 - (b) The single family resident/property owner is limited to installing no more than two installations in any consecutive five (5) year period; and.
 - (c) Written approval by the Health Officer is obtained before installation.

12.05.150 Inspection.

- (1) Refer to WAC 246-272A-0260.
- (2) The person responsible for the construction shall assure that the OSS meets the approved design.
- (3) The OSS designer shall be responsible for inspecting the final construction and assuring the OSS meets the approved OSS design, except gravity systems may be inspected by a responsible person other than the OSS designer.

12.05.XXX Record Drawings.

- (1) Refer to WAC 246-272A-0265
- (2) The record drawing shall contain:
 - (a) a permanent landmark, such as a property corner, structure, or geologic feature, by which the OSS can be located at a future date; and
 - (b) A north arrow; and
 - (c) Horizontal scale bars.

12.05.160 Operation and maintenance.

- (1) Refer to WAC 246-272A-0270.
- (2) An OSS owner is required to:
 - (a) Have a current service contract when the OSS includes a proprietary treatment product; and
 - (b) Ensure the OSS is inspected by an operations and maintenance specialist certified under SCC 12.05.230(6) and (7) annually, or more frequently as determined by the Health Officer.
- (3) An operations and maintenance inspection is required at the time of property transfer.
- (4) Any person performing operations and maintenance inspections must meet the requirements of SCC 12.05.230(6) or SCC 12.05.230(7).

12.48.XXX Operation, monitoring and maintenance – Food Service and other Skagit County Health Department Permitted Establishments

- (1) 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.

12.05.XXX Areas of special concern and marine recovery areas.

- (1) The local Board of Health in consultation with the Department shall hold public hearing(s) to identify and delineate areas of special concern or marine recovery areas and determine appropriate action to minimize public health risk. The board shall cause notice of the hearing(s) to be published in the County Newspaper of Record at

least thirty (30) days before the hearing date. The public may submit written comment and/or give testimony during said hearing(s).

- (2) The Health Officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:
 - (a) Shellfish protection districts or shellfish growing areas;
 - (b) Sole source aquifers designated by the U.S. Environmental Protection Agency;
 - (c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington's 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 including areas delineated by the Federal Emergency Management Agency or designated under the Washington State Growth Management Act, Chapter 36.70A RCW; and
 - (i) Areas where nitrogen has been identified as a contaminant of concern; and
 - (j) Other areas designated by the local Health Officer.

- (3) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern or marine recovery areas, including:
 - (a) Additional location, design, and/or performance standards for OSS;
 - (b) Larger land areas for new development;
 - (c) Prohibition of development;
 - (d) Additional operation, maintenance, and monitoring of OSS performance;
 - (e) Requirements to upgrade existing OSS;
 - (f) Requirements to abandon existing OSS; and
 - (g) Monitoring of ground water or surface water quality.

- (4) Within areas of special concern or marine recovery areas, to reduce risk of system failures, an OSS system owner is required to have a person approved or designated by the Health Officer to:
 - (a) Inspect their OSS pursuant to WAC 246-272A-0270 and SCC 12.05.160; and
 - (b) Submit an on site sewage system report the Health Officer and the property owner within 30 days following the inspection; and
 - (c) Immediately report failures to the Health Officer.

12.05.170 Repair of failures.

Refer to WAC 246-272A-0280.

12.05.180 Expansions.

- (1) Refer to WAC 246-272A-0290.
- (2) The Health Officer may allow expansion of an existing on-site sewage system adjacent to a fresh water shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark provided such expansion meets the requirements in WAC 246-272A-290(2).

12.05.190 Abandonment.

- (1) Refer to WAC 246-272A-0300.
- (2) The person responsible for abandoning a septic tank shall notify the Health Officer of their intent to abandon the septic tank.
 - (a) The Health Officer may inspect the abandonment to determine if it could interfere with installation of a new OSS.
 - (b) The pump report shall be submitted to the Skagit County Health Department.

12.05.200 Septage management.

- (1) Refer to WAC 246-272A-0310.
- (2) Persons removing septage from an OSS shall:
 - (a) Submit monthly reports on forms approved by the Health Officer that record septage removal and disposal;
 - (b) Dispose of septage directly into a treatment works facility or by other means that are permitted by the Skagit County Health Department as detailed in SCC 12.16.

12.05.210 Developments, subdivisions and minimum land area requirements.

- (1) Refer to WAC 246-272A-0320.
- (2) Drainfields and reserve areas shall be shown on the plat map prior to final plat approval.
- (3) The Health Officer shall require complete installation of the public sewerage system prior to final approval of a development or permitted use (as defined by SCC 12.05 & SCC 14.01). As an alternative to construction, the developer may provide a performance bond in favor of the Health Department and sign an agreement with the Health Department. The bond and agreement shall meet the following conditions:
 - (a) Guarantee that construction will be completed within one year of the date of the approval of the agreement or other time frame as agreed upon with the Health Department;

- (b) The bond or assignment of savings shall be on a satisfactory form and in an amount based on an estimate prepared by a professional engineer or certified designer plus 35% (20% for a two year inflationary period, 10% for contract expenditure and 5% for administrative costs);
- (c) Be to the satisfaction of the Health Officer and legal counsel for Skagit County;
- (d) Release of the Bond or Assignment will occur only after:
 - (i) The Engineer or Certified Designer has submitted and signed a record drawing;
 - (ii) The Engineer or Certified Designer states that the installation and testing meets SCC 14.06 or other appropriate construction regulations or guidelines;
 - (iii) The construction, where appropriate, has been inspected and approved by all jurisdictional agencies or municipalities.
- (e) The developer/owner shall ensure the requirements of this Section are fulfilled before use of any completed project. (Ord. 17443 (part), 1999: Ord. 16438 (part), 1997)

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

- (1) Refer to WAC 246-272A-340
- (2) Any person-engaged in the practice of sewage system installation, pumping, operation, monitoring or maintenance in Skagit County shall be certified by the Health Officer except single family resident owners:
 - (a) designing conventional gravity or pump to gravity systems per SCC 12.05.120; or
 - (b) installing conventional gravity or pump to gravity systems per SCC 12.05.140.
- (3) A certificate for an installer or pumper shall:
 - (a) Be issued for the calendar year;
 - (b) Not be transferable;
 - (c) Be renewed yearly by December 31st; and
 - (d) Not be issued or renewed if the applicant is found by the Health Officer to be in violation of any of the provisions of this Chapter.
- (4) On site sewage system installer, an installer applicant shall:
 - (a) Submit an approved application form provided by the Health Officer, and
 - (b) Pass a written examination approved by the Health Officer, and
 - (c) Demonstrate any combination of education or field experience that is determined by the Health Officer to be equivalent to one of the following:
 - (i) Two (2) years of full-time equivalent employment within the last five years as an approved installer in any Washington state health jurisdiction, or

- (ii) Four (4) continuing education credit units of Health Officer approved classes applicable to OSS installation; and
 - (d) Provide written verification of education or experience, and
 - (e) Provide evidence of compliance with the State of Washington Department of Labor and Industries requirements for the registration of contractors as found in Chapter 18.27 Revised Code of Washington; and
 - (f) Pay all fees applicable to installer certification.

- (5) On site sewage system pumper. A pumper applicant shall:
 - (a) Submit an approved application form provided by the Health Officer, and
 - (b) Pass a written or field examination approved by the Health officer, and
 - (c) Attend One Skagit County Health Department approved OSS class; and
 - (d) Provide a bond executed by a surety company on a form approved by the prosecuting attorney. The bond shall:
 - (i) Be in a sum of four thousand dollars (\$4,000.00), and
 - (ii) Be executed by a surety company authorized to do business in the State of Washington, and
 - (iii) Be conditioned that the holder of the pumper's certificate, in performing work governed by these rules and regulations, shall exercise all reasonable care and skill and shall comply with all the terms and conditions of these and all other applicable rules and regulations, and
 - (iv) Be kept in effect during the period of time for which the pumper's certificate is issued, and
 - (v) Remain in force for one (1) year following cancellation of and/or termination of a pumper's certificate, and
 - (vi) Automatically and without notice cause the suspension of the pumper's certificate upon cancellation or termination; and
 - (e) Provide written verification of pumper applicant requirements listed in this subsection; and
 - (f) Pay all fees applicable to pumper certification.

- (6) Operations and Maintenance Specialist.
 - (a) Initial Application. Any person who operates a service for the purposes of inspecting, monitorings or maintainings an OSS who is not the OSS owner shall meet the following initial application requirements:
 - (i) Submit an approved application form provided by the Health Officer; and
 - (ii) Successfully pass an examination approved by the Health Officer; and
 - (iii) Demonstrate any combination of education or field experience that is determined by the Health Officer to be equivalent to one of the following:
 - (A) Four (4) CEUs of Health Officer approved classroom or field training time related to the operation, monitoring or maintenance of OSS systems within the last five (5) years; or

- (B) Two (2) years experience providing OSS operation, monitoring and maintenance services within the last five (5) years; and
 - (iv) Provide written verification of operations and maintenance specialist initial application requirements listed in this subsection.
 - (b) Renewal Application. Any person who has met requirements in SCC 12.05.230(a) must renew their application annually. Renewal applications must include:
 - (i) Verification of one (1) CEU of Health Officer approved classroom or field training within the previous twelve (12) months; and
 - (ii) Verification of one (1) CEU of Health Officer approved classroom or field training for each employee performing operation, monitoring and maintenance inspections; and
 - (iii) List all employees performing operation, monitoring and maintenance inspections on the renewal application.
- (7) Operations and maintenance specialist – employee requirements. Any employee who provides operations and maintenance services for an operations and maintenance specialist shall meet the following requirements:
 - (a) Initial Application:
 - (i) Complete four (4) CEU’s of Health Officer approved classroom or field training time related to the operation, monitoring and maintenance of OSS’s within the last five (5) years; or
 - (ii) Provide written verification of at least two (2) years experience providing OSS operation, monitoring and maintenance services within the last five (5) years; and
 - (b) Renewal Application. Complete one (1) CEU of Health Officer approved classroom or field training within the previous twelve (12) months.
- (8) 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 on site sewage system pumping, installation, design or operations and maintenance.
 - (f) Making false promises or misrepresentations through written or verbal advertising, salespeople, agents, or otherwise in connection with the practice of being an on site sewage system designer, installer, pumper, or operations and maintenance specialist; or
 - (g) Having two or more unpaid final judgments against them relating to OSS practice. (Ord. 17443 (part), 1999; Ord. 16438 (part), 1997)

12.05.260 Waivers of regulations.

- (1) Refer to WAC 246-272A-0420.
- (2) The applicant must make written petition to the Health Officer to request a waiver from the requirements included in this Chapter. Application for waiver(s) will be on forms provided by the Health Officer. A written response will be made within ten (10) working days of receipt of the petition.

12.05.XXX Appeals

- (1) Persons aggrieved by a notice of violation, order, fine, assessed costs or determination issued by the Health Officer pursuant to this Chapter may request a hearing with the Health Officer for the purpose of disputing or requesting a stay or modification of such notice, order, fine or assessed costs.
- (2) A request for hearing before the Health Officer shall be made in writing and served to the Health Officer within ten (10) working days of the serving of the notice, order, fine or assessed costs. The request shall be made by fully completing and submitting a request for hearing form supplied by SCPHD.
- (3) The Health Officer shall hold a hearing not less than twenty (20) days nor more than thirty (30) days from the serving of the notice, order, fine or assessed costs unless mutually agreed upon in writing by the Health Officer and person requesting the appeal.
- (4) Notice of the hearing shall be given the person requesting the appeal and the property owner, if different from the person requesting the appeal, via personal service at least three (3) days prior to the hearing date or via certified mail at least ten (10) days prior to the hearing date.
- (5) Upon holding the hearing requested, the Health Officer shall provide written notice of intent sustaining the order, fine or assessed costs within five (5) working days of the hearing. Notice shall be served personally or via certified mail to the person requesting the appeal and property owner, if different than the person requesting the appeal.
- (6) The aggrieved party may make a written request to appeal the Health Officer's decision to the Board of Health within ten (10) working days of the date the decision is issued. The request for appeal must meet the requirements of Subsection (2) of this Section. The BOH will hear the request for appeal within sixty (60) days of receipt of the application to appeal the Health Officer's decision.

- (a) A fee in the amount listed in the most current Skagit County Health Department schedule of charges is due and payable when an appeal of the Health Officer's decision is made to the BOH.
- (7) Following the issuance of the Board of Health's written decision, an aggrieved person may file a writ of certiorari in a court of competent jurisdiction to appeal such decision within thirty (30) days of the issuance of such decision.
- (8) The filing of a request for hearing or appeal pursuant to this Section shall operate as a stay from the requirement to perform corrective action ordered by the Health Officer, except when the Health Officer:
 - (a) issues an emergency order based on a public health need for immediate compliance, or
 - (b) determines that an imminent public health threat exists.

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 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) Refer to WAC 246-272A-0430.
- (2) Violations of this Chapter shall be a gross misdemeanor, punishable by a fine of not more than \$5,000 per the current Skagit County Health Department schedule of charges.
 - (a) When a person violates the provisions under this Chapter, the Health Officer may initiate enforcement or disciplinary actions, or any other legal proceeding authorized pursuant to WAC 246-272A-430, and also including
 - (b) Class 1 Civil infractions pursuant to Chapter 7.80 RCW.
- (3) 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.

12.05.290 Notice of decision.

Refer to WAC 246-272A-0440.

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 or Board of Health. 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 its passage and approval as provided by law. (Ord. 16438 (part), 1997)