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JEFFERSON COUNTY BOARD OF HEALTH  
ORDINANCE NUMBER 07-0217-07

(Repeals and Replaces Ordinance 08-0921-00)

Jefferson County

8.15 ON-SITE SEWAGE CODE

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8.15 ON-SITE SEWAGE CODE

TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
8.15.010	Authority/Scope	1
8.15.020	Purpose	1
8.15.030	Adoption by Reference	1
8.15.040	Administration	1
8.15.050	Definitions	1
8.15.060	Adequate Sewage Disposal Required	8
8.15.070	No Discharge to Water or Ground Surface	8
8.15.080	On-site Sewage System Permit	8
8.15.090	Design	11
8.15.095	Commercial On-site Sewage Disposal Systems	13
8.15.100	Community On-site Sewage Disposal Systems	14
8.15.105	Subdivision Requirements	14
8.15.110	Inspection	16
8.15.120	Sewage System Installer	18
8.15.130	Septic Tank Pumps	20
8.15.140	Operation and Maintenance Specialist	22
8.15.150	Operation, Maintenance and Monitoring	24
8.15.165	Waiver of State or Local Regulations	26
8.15.170	Appeal/Hearing	27
8.15.180	Enforcement/Penalty	30
8.15.190	Severability	40
8.15.200	Fees	41
8.15.210	Effective Date	41
8.15.220	Conflict	41
	Table 1	42

# Jefferson County Septic Code 8.15

## **JCC 8.15.010      AUTHORITY/SCOPE**

Pursuant to RCW 70.05 and RCW 43.20, the Jefferson County Board of Health is charged with the duty of protecting the public health and safety of all inhabitants of Jefferson County, and enacting such rules and regulations as are necessary in order to carry out these responsibilities and provide for the enforcement thereof. The provisions of this regulation shall apply to all territory within the boundaries of Jefferson County.

## **JCC 8.15.020      PURPOSE**

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

- (1) Minimizing the public health effects of on-site sewage systems on surface water and ground water;
- (2) Minimizing the potential for public exposure to sewage;
- (3) Establishing design, installation and management requirements for on-site sewage systems to accommodate long-term treatment and disposal of sewage;
- (4) Enhancing protection of environmentally sensitive areas within Jefferson County; and
- (5) Compliance with the intent of Chapter 246-272A, WAC

## **JCC 8.15.030      ADOPTION BY REFERENCE**

Washington Administrative Code Chapter, 246-272A On-site Sewage Systems Rules and Regulations of the State Board of Health, as now or hereafter amended, is hereby adopted by reference as Rules and Regulations of the Jefferson County Board of Health.

## **JCC 8.15.040      ADMINISTRATION**

The Jefferson County Environmental Health Director, through authority delegated by the Jefferson County Board of Health and the Jefferson County Health Officer shall administer these regulations. Fees may be charged for this administration.

## **JCC 8.15.050      DEFINITIONS**

In addition to those definitions set forth in WAC Chapter 246-272A the following definitions shall also apply in this regulation:

**Accessory Dwelling Unit:** An additional dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as

the main structure, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be considered an accessory use of the main dwelling and be clearly subordinate to the main dwelling.

**Certification:** A certificate granted by the Health Officer permitting a person to practice in the field of sewage disposal as an Operation and Monitoring Specialist, Installer, or Pumper of onsite sewage systems.

**Chain of Custody:** A procedure to ensure that samples have been in the possession of, or secured by, an authorized person at all times from sample collection to receipt by the laboratory. The procedure includes:

1. Obtaining the sample by Health Officer or designee with owner or owner representative present.
2. Assignment of sample ID number.
3. Labeling/tagging the sample container with assigned number and location taken.
4. Documentation by authorized sampler of date and location of samples taken.
5. Delivery by secured means to the certified laboratory.

**Community On-site Sewage System:** Any on-site sewage system designed to serve two (2) or more independent stand-alone dwelling units with design flows of up to 3,500 gallons per day. An OSS serving only one single-family residence plus one accessory dwelling unit is not considered a community on-site sewage system.

**Commercial On-site Sewage System:** Any nonresidential or combined residential/nonresidential on-site sewage system with a design flow of up to 3,500 gallons per day.

**Department:** The Washington State Department of Health

**Design:** An on-site sewage disposal system design shall consist of a complete scale drawing of the site plan showing the proposed sewage disposal system, including all relevant details as specified herein and in WAC 246-272A and Jefferson County Policies. The design shall use the format and forms provided or approved by JCPH. Proper identification and location of soil logs and drainfield components at the site are considered to be part of the design.

**Designer:** An individual authorized by the Washington State Department of Licensing to perform design services for on-site wastewater treatment system pursuant to 18.210 RCW. 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.

**Dwelling Unit:** A unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Education Contact Hours:** Contact participation in an organized educational experience led or facilitated by qualified sponsorship, capable of direction and qualified instruction. Courses must be approved by the Health Officer or designee and be sources of expanded knowledge pertaining to on-site sewage treatment and disposal. A copy of the agenda or syllabus showing date, time, subject matter, presenter, sponsor and evidence of actual participation must be presented at the time of certification renewal. This evidence could be in the form of a certificate of completion, a receipt or a copy of the attendance roster of the training event.

**Environmentally Sensitive Areas:** Means geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat areas, all as defined through WAC 356-190 as “critical areas” and regulated in Jefferson County Chapter 18.15 as adopted or hereinafter amended.

**Evaluation of Existing System:** A monitoring inspection of an OSS containing the information specified on forms approved by JCPH.

**Expansion:** A change in a residence, facility, site or use that:

1. 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 there is a change in use of the residence, or a change in use from an office to a restaurant; or
2. 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:** 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, but are not limited to:

1. Sewage on the surface of the ground;
2. Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
3. Sewage leaking from a septic tank, pump chamber, holding tank, septic system component other than the drainfield, or collection system;
4. Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
5. Inadequately treated effluent contaminating ground water or surface water, as demonstrated through 1) a positive tracing dye result; and 2) a coliform count of at least 500 organisms per 100mL of water; or 3) the presence of the disposal component of the on-site sewage system located in ground water; or
6. Noncompliance with conditions stipulated on the OSS permit.

**Fees:** Charges as hereinafter authorized by the Jefferson County Board of Commissioners or the Jefferson County Board of Health for issuing permits, processing records, making inspections as found necessary, administrative processes, and certifying individuals in the practice of installing, pumping or maintaining/monitoring on-site sewage systems.

**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.

**Health Officer:** The local Health Officer of Jefferson County Public Health, or a representative authorized by and under the direct supervision of the local Health Officer, as defined in chapter 70.05 RCW.

**Installer:** An individual who has passed the Jefferson County installer's exam, holds a current bond and insurance as specified in JCC 8.15.120, personally holds an Installer's Certificate and directly supervises the installation and/or repair of an on-site sewage disposal system in Jefferson County.

**JCPH:** Jefferson County Public Health

**Modification:** Alteration of an existing on-site sewage component that does not result in an increase of the capacity of the system.

**Notice of Violation:** Written determination that an element or section of these rules and regulations has not been complied with.

**On-site Sewage System (OSS):** An integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, a soil dispersal component, and a reserve area. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. This includes systems previously defined as:

1. Conventional: systems consisting solely of a septic tank and a gravity SSAS, or those including a pump to a gravity SSAS.
2. Alternative: all systems not defined as conventional, such as pressurized, public domain treatment devices and proprietary products .

**Operation and Monitoring Specialist:** An individual with training, skill, and experience in the maintenance, monitoring, and operation of OSS and who is certified by JCPH to inspect and monitor the performance of an OSS.

**Pre-occupancy Inspection:** Any inspection/s of the OSS that are required before a certificate of occupancy can be issued.

**Probation:** A penalty period where the individual committing the violation shall be subject to additional review, reporting and/or inspection.

**Proprietary product:** A sewage treatment or distribution technology, method, or material subject to a patent or a trademark.

**Pumper:** An individual approved and granted a Certificate to operate by the Health Officer to remove and transport wastewater or septage from septic tanks, pump chambers and portable toilets. Said individuals may repair baffles within the septic tank, install or repair risers on septic tanks or pump chambers, vacuum and hydro-jet systems, and install outlet baffle filters in a septic tank.

**Record Drawing:** A accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

**Repair:** The reconstruction, relocation, or replacement of any portion of a failed or sub-standard on-site sewage system. This includes actions proposed to impact the soils surrounding the disposal component to increase the dispersal of effluent or remediate clogged soil surfaces.

**Resident Owner:** A person who owns and occupies, or intends to occupy, a property.

**Residential Sewage:** Sewage having the constituency and strength typical of wastewater from domestic households not containing chemicals or other waste components atypical of a residential source.

**Revocation:** The termination of all the rights and privileges associated with a certification.

**Scale bar:** The graphic representation by which distances can be measured.

**Scum:** Lighter solids, such as fats and grease that rise to the top of a septic tank, holding tank or pump chamber.

**Septage:** The mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, holding tanks, pump chambers, and other OSS components or removed from grease traps.

**Septic Tank:** A watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

**Sewage Disposal Permit:** A written permit, including conditions of approval, issued by the Health Officer or designee granting permission for the installation, modification, expansion, or repair of an on-site sewage system.

**Site Installer:** An individual that has passed the installer's exam and maintains an annual Certificate, but is working under the direction, insurance and bond of a Certified Installer.

**Sludge:** Heavy solids that settle to the bottom of a septic tank, holding tank or pump chamber.

**Soil Log:** A detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage. It includes the excavation as described in WAC 246-272A-0220(3).

**SSAS:** Subsurface soil absorption system, as defined in WAC 246-272A-0010(2).

**Suspension:** The temporary termination of all rights and privileges associated with a certification.

**Violation:** A failure to comply with the provisions of applicable laws, rules or regulations including, but not limited to instances or cases when:

1. A Designer submits a permit application or an record drawing of an on-site sewage disposal system which contains any significant deviation below the minimum requirements for siting or sizing of on-site waste water treatment.
2. An individual designs or installs an on-site sewage system that is not in accordance with the applicable regulations, or is not fitting the size, shape or topography of the site, within setbacks, as specified in the WAC Chapter 246-272A; specification or approval of inadequate construction material, devices or methods.
3. A system is not installed in accordance with the approved permit.
4. Installer fails to notify the designer and/or JCPH when site conditions have changed making installation of the approved permitted system impossible or impractical.
5. A pumper disposes of wastewater or septage at an unapproved disposal site;
6. A designer fails to submit record drawing plans as specified in chapter 8.15.110(4).
7. An authorized person fails to submit required reports to JCPH as specified in the conditions of the on-site sewage disposal permit or in this chapter.
8. A Certificate holder fails to pay fees as specified by Jefferson County Ordinance.
9. A person holding a Certificate or license to install, pump or monitor an OSS fails to report to JCPH within 24 hours any nonfunctioning on-site components that could result in human contact with sewage effluent.
10. An owner fails to complete required O & M inspections, comply with the O & M schedule in TABLE 1 and/or submit the reports to JCPH or the approved entity.
11. An owner fails to comply with conditions of the on-site sewage permit.

**WAC :** Washington Administrative Code



**JCC 8.15.060            ADEQUATE SEWAGE DISPOSAL REQUIRED**

- (1) Every residence, place of business, or other building or place where people congregate, reside or are employed shall be connected to an approved public sewer. If no public sewer is available, the building sewer shall be connected to an on-site sewage system approved by the Health Officer. Said sewage disposal system shall be built or rebuilt, constructed and maintained in such manner as to meet the requirements as prescribed by the Health Officer in accordance with minimum requirements and standards of WAC 246-272A and this code. Such system may include the use of waterless toilet devices in conjunction with an approved gray water system or other proprietary products approved by Washington State Department of Health.
- (2) Any unit/facility with the potential to generate waste water by virtue of being equipped with a toilet, sink, shower or other plumbing fixture shall be connected to an approved public sewer or shall be connected to an on-site sewage system approved by the Health Officer.
- (3) Any new or replacement residence or commercial structure, or any expansion, as that term is defined in Section 8.15.050 of this Code, may be connected to a pre-existing on-site sewage system only when the pre-existing system has hydraulic capacity, sufficient vertical and horizontal separation, an adequate reserve area and satisfies all other requirements to be in compliance with current code.

**JCC 8.15.070            NO DISCHARGE TO WATER OR GROUND SURFACE**

Effluent from any on-site sewage disposal system shall not be discharged directly or indirectly to surface water or upon the surface of the ground, except where expressly permitted by JCPH or by the Washington State Department of Ecology.

**JCC 8.15.080            ON-SITE SEWAGE SYSTEM PERMIT**

- (1) No person shall install or cause to be installed a new on-site sewage system, nor perform any modification, extension, repair, relocation or connection to an existing on-site sewage system without a valid permit issued by the Health Officer.
- (2) When applying for a permit to install an on-site sewage system, a detailed to-scale construction plan of the proposed system and site is required and shall include all items identified herein. Each application shall contain the information required herein, and those items identified on the Septic Permit Application form as a minimum.
- (3) The minimum land area required for approval of an OSS permit shall be determined by either Method 1 or Method 2 analysis as established in WAC 246-272A. Applications shall be reviewed in accordance with Jefferson County Policy 97-2 adopted by the Board of Health as amended or replaced.
- (4) Where more than one lot is required to meet minimum land area requirements for issuance of a permit, a Declaration of Restrictive Covenant shall be recorded binding together, at a minimum, the lots required to meet the minimum land area

requirements. Any remaining lots not included in the Declaration of Restrictive Covenant must either meet minimum land area requirements or have a notice recorded to the title stating that the lots do not meet minimum land area requirements for a septic system and that the lots are not eligible for a waiver under Jefferson County Policy 97-2 or as amended or replaced.

- (5) Permits are transferable with property ownership.
- (6) Any sewage disposal permit issued under this section shall be valid for a period of three(3) years from the date of issuance.
  - a. The permit may remain valid if the property for which the permit has been issued also has an active building permit for a structure that will be connected to the on-site sewage system.
  - b. If the system is not installed before the permit expires, a new permit may be applied for, based on standards in effect at the date of the new application. Information as specified in JCC 8.15.090 shall be submitted with any new application.
- (7) Repair permit. Repair permits shall expire ninety (90) days from the date of issue. Repair permits may be renewed for an additional ninety (90) days if the Health Officer determines it is warranted.
- (8) 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 inaccuracy in the construction plan or the permit application whether intended or accidental, shall be considered as grounds for invalidating and voiding any application or permit issued under this section. The applicant or their authorized agent is responsible for the accurate representation of all information presented to the Health Officer;
  - c. Failure to meet conditions of the permit or the regulations; or
  - d. Changes or alterations to the site such as grading, filling, clearing, or burning operations.
- (9) Jefferson County Public Health shall have neither an obligation nor the power to reduce the requirements to accommodate a Designer or Installer's error.
- (10) For any on-site sewage system proposed to serve a structure requiring a flood control zone permit under the provisions of chapter 86.16 RCW and chapter 508-60 WAC, or requiring a flood plain certification by Jefferson County under the provision of the Flood Damage Prevention Ordinance, the OSS installation permit shall not be issued until a flood control zone permit or flood plain certification has been issued in accordance with Jefferson County Ordinance 18-1120-95 or subsequent amendments. An OSS installation permit shall comply with the standards in said ordinance.
- (11) On-site sewage disposal permits shall comply with regulations and policies established in the Jefferson County Comprehensive Plan, Jefferson County Zoning Code, Critical Areas Ordinance, The Jefferson County Shoreline Master Plan and any other duly adopted land use regulations of Jefferson County, the City of Port Townsend in the case of lands within the city, or the State of Washington.
- (12) Any pending and all future permits and approvals by the JCPH for the subject property shall be withheld when written notice of noncompliance with Jefferson

County and other applicable codes has been provided to the property owner. Permits and applications shall be released only upon satisfactory remedy of the non-complying action or activity.

- (13) No on-site sewage system permit shall be issued for industrial, chemical or hazardous waste disposal.
- (14) A soil log report shall be provided on a health department approved form by the individual who performed the soil evaluation. The report shall identify the date the soil observations were made and the name of the individual who logged the soils for the report. Soils evaluation shall be completed by a Designer or Professional Engineer licensed in the state of Washington, soil scientist licensed in the state of Washington, the local health officer or designee.
- (15) Uniform soil testing procedures shall be as described under WAC246-272A-0220 and be used in addition to the following procedures:
  - a. A minimum of 2 soil logs shall be dug in each, the proposed primary area and the proposed reserve area of sufficient size and depth to accurately determine site suitability for on-site sewage disposal;
  - b. The Health Officer or designee may require additional soil logs or such further testing as is necessary to determine the adequacy of a site for on-site sewage disposal.
  - c. Where sieve analysis tests are required they shall be completed by a certified lab and chain of custody requirements shall be followed.
- (16) It shall be the responsibility of the owner or owner's authorized representative to fill/cover the holes provided for evaluation of the soils for an installation permit or subdivision review within ten (10) days following notification that the inspection by the Health Officer is complete. The property owner shall be notified in writing when the inspection has been completed.
- (17) Any OSS not located entirely on the property originating the sewage must be secured by appropriate easements and/or covenant recorded with the Jefferson County Auditors Office prior to issuance of the permit unless specifically waived by the health officer. In all cases the easement or covenant shall be secured and recorded prior to final approval of the system installation.
- (18) Pending on-site sewage disposal permit applications.
  - a. Applications for which no decision has been issued within twelve (12) months following the date of application, due to a lack of action by the applicant, and after receipt of written notice of pending expiration, shall expire by limitation.
  - b. The Health Officer may extend the time for action by the applicant for a period not to exceed 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.
  - c. In order to renew action on an application after expiration, the applicant shall resubmit the application and plans, pay current application fees and meet current rules and regulations.
  - d. The applicant shall be provided a 60-day notice by certified mail of the pending expiration of a permit application.
  - e. The statement "Voided - Lack of Action" shall be entered on the record for an expired pending permit application.

- f. Plans and other data submitted for review shall thereafter be retained as per the Jefferson County Records Retention Schedule.

**JCC 8.15.090      DESIGN**

- (1) All on-site sewage disposal systems shall be designed in accordance with these rules, and the criteria in WAC 246-272A, by the local Health Officer, by an on-site sewage system designer licensed by the Washington State Department of Licensing to perform design work pursuant to chapter 18.120 RCW or by a licensed engineer pursuant to RCW 18.43 RCW.
- (2) Permits shall be issued for wastewater meeting domestic waste strength criteria as defined in the "Design Manual: On-site wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012 and EPA-625/R-00/008 except where modified by, or in conflict with WAC246-272A or this code. Pretreatment shall be required for non-residential/high- strength waste streams.
- (3) Sewage system sizing criteria shall comply with the standards in WAC246-272A.
  - a. The number of bedrooms shall include all rooms labeled as bedrooms and any additional heated rooms not labeled as bathrooms, kitchen, living room and dining room, utility room and one bonus room except that the sewage system design may be for fewer than determined above if a covenant provided by the health officer and signed by the property owner is filed and recorded with the Jefferson County Auditor, so as to be discovered during a title search, which declares the maximum capacity in bedrooms of the sewage system.
  - b. In no case shall the septic system be sized for fewer bedrooms than the number of rooms labeled as bedrooms or sleeping rooms such as guest room or bunk room.
  - c. The minimum design flow for any dwelling unit is 240 gallons per day.
- (4) Reserve Area. As a minimum an area equal to that required for a 100% replacement or repair, completely separate from the primary area, and shown dimensioned on the site plan.
- (5) Permit Application Submittal shall include the following items. Each page shall contain a header with the name and address of the property owner, and the address or parcel number of the property.
  - a. One copy of the JCPH "Septic Permit Application Form" providing all identified information. This form shall have the signature of the property owner or authorized representative as provided in writing.
  - b. Three copies of the design and construction specifications. One copy shall have an original stamp and Designer signature with date prepared.
  - c. One copy of the soil log report submitted on a separate 8 1/2" X 11" sheet/s. The evaluation shall include the date of evaluation and identify the soil evaluator.
  - d. One copy of the calculations and assumptions supporting the proposed design including all items outlined in JCC8.15.090(7).

- e. One copy of the following information:
  - i. Directions to the site.
  - ii. Identification if the parcel is within the boundaries of a sewer utility.
  - iii. If connecting to a community OSS provide:
    - 1. The name, location and permit number of said system,
    - 2. The name, address and point of contact with the system's management entity,
    - 3. A Customer Agreement with the management entity that provides a commitment to serve the parcel.
  - iv. All easements impacting the OSS or access to the OSS, whether public or private and whether or not recorded.
  - v. All Covenants impacting the OSS or access to the OSS, whether public or private and whether or not recorded.
  - vi. One copy of any special reports applicable to the project, such as geotechnical report or wetland delineation.

(6) Design and construction specifications shall include the following items and those required by WAC 246-272A. This portion of the application shall be no more than 10 pages 11" X 17" unless specifically authorized by the Health Officer. All sheets must be at least 8 ½" X 11" but not more than 11" X 17".

- a. A complete, detailed, and dimensional site plan including:
  - i. The date of the design, the Designer's seal and the Designer's signature.
  - ii. An overall plan that represents the entire parcel to scale and identifying the location of the system components. A scale bar is required.
  - iii. A scaled drawing of the area within 100' of the system that is at an engineering scale not to exceed 1" = 50'. A scale bar is required.
  - iv. Designated and dimensioned areas for the proposed primary system and the reserve area.
  - v. The location of all soil logs and other soil tests for the OSS.
  - vi. Location of utilities.
  - vii. General topography and the percent slope of the site within 100' of the system and reserve areas.
  - viii. Drainage characteristics.
  - ix. The location of existing and proposed encumbrances including legal access documents if any component of the OSS is not on the lot where the sewage is generated.
  - x. An arrow indicating north on all site plans.
  - xi. Location of the essential tightline components of the sewage disposal system, including all plumbing stub outlets between the building(s) and septic tank(s), pump chamber(s), siphon chamber(s), tightline between septic tank or pump chamber and distribution network and all drainfield lines.
  - xii. Identify cuts, banks, terraces, foundations, waters of the state, wells, driveways, waterlines, and surface or subsurface drains within 100' of the system and reserve.

- xiii. Identify the access route or driveway to the site.
    - xiv. Clearly indicate scale on each site plan, including a scale bar.
  - b. Construction specifications.
  - c. Vertical cross-section drawings showing:
    - i. The depth of the disposal component from native grade, the vertical separation, and depth of soil cover;
    - ii. Septic tank;
    - iii. Pump tank and its components;
    - iv. Monitoring and access ports.
- (7) Calculations and assumptions supporting the proposed design, including:
  - a. Soil type
  - b. Hydraulic loading rate in the disposal component
  - c. Systems maximum and average daily flow capacity and how determined
  - d. Source of the sewage including waste strength characteristics
  - e. Where pumps are included provide friction loss and dynamic head calculations.
- (8) Nothing herein shall preclude the Designer from providing supplemental information regarding the design directly to the client under separate cover.
- (9) The proposed drainfield lateral/bed shall be staked in the field for inspection and review unless specifically waived by the Health Officer or designee.
- (10) Septic tanks shall:
  - a. Have watertight pumping access ports to ground surface over both compartments and at the outlet and inlet to facilitate inspection and maintenance. A homeowner may provide access ports to within 6" of the surface of the ground provided that a written agreement to uncover them for required O & M inspections has been recorded with the title to the property.
  - b. Be set on a self-leveling, stable base.
- (11) Distribution boxes shall be fitted with risers to grade. Distribution box risers shall be sized adequately to allow visible inspection of liquid level in the box, shall be constructed of durable materials and shall be equipped with secure, tightly fitted lids.

### **JCC 8.15.095 COMMERCIAL ONSITE SEWAGE SYSTEMS**

- (1) Commercial onsite sewage systems as defined in this chapter shall be designed according to the standards contained in WAC 246-272A and this code.
- (2) If the ownership is by more than one individual a Management and Operations Agreement shall be prepared by the applicant, approved by JCPH and recorded to the property as a covenant.
- (3) All individual connections or separate uses within a commercial development shall be equipped with a water meter or other approved method for monitoring flows to the onsite sewage system.
- (4) All commercial on-site sewage systems shall provide an annual report to JCPH including the following at a minimum:
  - a. Number of connections to the system and each connection's design flow.
  - b. Copies of inspection reports consisting of the items detailed in 8.15.150 (7)

- completed per TABLE 1.
- c. Records identifying any maintenance completed on the system components.

### **JCC 8.15.100      COMMUNITY ON-SITE SEWAGE DISPOSAL SYSTEMS**

- (1) Community on-site sewage systems as defined in this chapter shall be designed in accordance with WAC 246-272A, this code and the maintenance criteria as set forth in the current Washington State Department of Health "Design Standards for Large On-Site Sewage Systems," 1996, and WAC 246-272B or as they may be hereafter amended.
- (2) Management of community on-site sewage systems shall be by an entity approved by JCPH. If the lots are individually owned the management shall in all cases be provided by a public entity. A homeowners association is not considered an approved entity for the management of a community on-site sewage system.
- (3) A covenant shall be recorded to the property and shall remain in place for the life of the on-site sewage system or until the on-site sewage system is no longer needed. It shall provide the management entity the following items including but not limited to:
  - a. A legal easement allowing access for construction, operation and maintenance, and repair of the OSS; and
  - b. Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.
- (4) All lots, parcels, or individual connections to a community system shall be equipped with a water meter or other approved method for monitoring flows into the system.
- (5) Sites proposing community systems shall conform to the minimum land area requirements of WAC 246-272A.
- (6) All community on-site sewage systems shall provide an annual report to JCPH including the following at a minimum:
  - a. Number of connections to the system and each connection's design flow.
  - b. Copies of inspection reports consisting of the items identified on forms provided or approved by JCPH per 8.15.150 (8) and completed per TABLE 1.
  - c. Records identifying all maintenance completed on the system components.

### **8.15.105      SUBDIVISION REQUIREMENTS**

- (1) A person proposing the development of Subdivisions, Planned Unit Developments, Binding site plans and other land division shall obtain approval from the Health Officer, where the use of OSS is proposed, prior to any development.
- (2) The proposal shall comply with the standards of WAC 246-272A -0320 and the Jefferson County Unified Development Code as amended.
- (3) Where preliminary approval is requested the following shall be submitted at the time of application:
  - a. Applicable fees
  - b. Preliminary plan of the proposal showing the layout of the lots.
  - c. A soils report and preliminary plan submitted by a licensed designer or licensed professional engineer that:

- i. Shows an area for each proposed lot/segregation that is suitable for onsite sewage disposal and,
    - ii. Provides a minimum of 4 test pits, 2' X 4' x 6'deep, 2 in the area of the primary drainfield and 2 in the area of the reserve. Test pits shall be flagged with the lot number and,
    - iii. Identifies the locations of the test pits on the preliminary plan.
  - d. Soil test pits shall be made available for observation by Health Department Staff and must be filled in upon completion of review and notification of such by the Health Department.
  - e. Statements as to the type of potable water supply.
- (4) To obtain Preliminary Approval
  - a. The Health Department staff shall review the application and perform field visits.
  - b. The highest anticipated ground water table elevation shall be determined. The Health Officer or designee may require an evaluation during the months of suspected high water table conditions where less than 18" of usable soil is observed.
  - c. Lot sizes shall meet minimum area requirements.
  - d. Soils suitable for the installation of OSS must be identified for each lot.
  - e. Conceptual or detailed designs may be required by the Health Officer or designee.
  - f. An evaluation of all existing onsite sewage systems within the bounds of the project shall be completed by an entity authorized by the Health Officer or designee.
  - g. Where a community system or large onsite sewage system is proposed as the method of sewage disposal a preliminary layout design of the system must be submitted to the Health Department as well as a letter from an approved management entity indicating that they will meet the standards of JCC8.15.100.
  - h. For the water supply a Utility Service Review shall be completed.
    - i. Public water supplies shall be developed consistent with provision of the Jefferson County Coordinated Water System Plan , Washington State Department of Health Drinking Water regulations WAC246-290 as amended and Washington State Department of Ecology water rights provisions RCW 90.03 AND/OR RCW 90.44.
    - ii. Wells, whether individual or public shall not encumber adjacent property owner/s and shall be protected by a sanitary control area of a 100 foot radius. If a sanitary control area of a 100' radius cannot be met, evidence of adjacent property owners written consent shall be submitted to the Health Department. For existing wells the sanitary control area shall be established by covenant and portrayed graphically on the face of the plat.
- (5) To obtain Final Approval
  - a. All conditions of the preliminary approval shall be met
  - b. The locations of test pits used for the preparation of the soils report shall be portrayed on the final plat.



## **JCC 8.15.110            INSPECTION**

- (1) An initial inspection by the Health Officer or designee shall be conducted to verify soil and site conditions for the proposed design unless expressly waived by the health officer.
- (2) The Health Officer or designee may make inspections during construction to determine compliance with these regulations.
- (3) It shall be the responsibility of the Installer of the system to notify the Designer for inspections as specified in the design or in permit conditions.
- (4) It shall be the responsibility of the Installer of the system to notify the health department within one working day prior to commencement of system construction, of the intent to install the system. This shall be done by means of a start card to be submitted by fax or emailed to a designated address.
- (5) Final inspection
  - a. A pre-cover inspection shall be conducted on all systems by the Designer of record or other licensed Designer or engineer where that person is taking responsibility to certify the system installation.
  - b. For pressurized or proprietary systems-
    - i. The Designer shall be responsible for all inspections during the construction of the OSS.
    - ii. After completion of the system, when the system is fully functional the Designer shall contact the Health Officer or designee to schedule a joint inspection of the OSS.
  - c. The Designer of record or other licensed Designer or engineer where that person is taking responsibility to certify the system installation shall submit a record drawing of the system installation including the items specified in this section.
  - d. No part of any on-site sewage system installation shall be put into use until final approval has been obtained from the Health Officer or designee.
- (6) Partial installation may be allowed and shall be subject to all of the following requirements and limitations:
  - a. Installation shall take place prior to the expiration date of the permit and;
  - b. The Health Officer or designee shall be notified of the intent to install the system as described in this section and;
  - c. At a minimum the treatment and disposal components shall be installed and;
  - d. The system shall be vested only for the portions that are installed and;
  - e. The system shall be subject to review at the time of building permit for a structure to use the system under 8.15.060(3) and;
  - f. A report shall be submitted by the designer of record or other licensed designer or engineer where that person is taking responsibility to certify the system installation. The report shall provide details on what was installed and shall be accompanied by a drawing locating the components that were installed prior to the expiration of the permit.
  - g. An additional inspection and/or permit, with appropriate fees, may be required to complete the installation and finalize the system.
- (7) Final approval of on-site systems by the Health Officer can be made only after;
  - a. Satisfactory inspection of the installed system

- b. Receipt by JCPH of record drawings of the final construction with the operational settings and installation data report,
  - c. Receipt of the Homeowner Operations and Monitoring Manual, and
  - d. Compliance with installation conditions of the permit
- (8) If installation or workmanship of the on-site sewage system does not meet the requirements of this code or conditions of the permit, the Health Officer or designee shall order corrections and cause a subsequent inspection to be made. Fees may be charged for subsequent inspections.
- (9) Designer inspections. Nothing contained herein shall prohibit the Designer of record from requiring additional Designer-performed inspections to ensure compliance with the design and regulations.
- (10) Record Drawings:
- a. After installation of the sewage disposal system has been completed, a scaled and dimensional record drawing of the sewage disposal system shall be prepared by the Designer of the system as specified in JCC 8.15.110 (2) and (3) on forms provided or approved by JCPH.
  - b. The record drawing shall include:
    - i. Information identified on the JCPH “Final Inspection Report “ Form as applicable to the system installed;
    - ii. Measurements to existing site features enabling the first tank manhole to be easily located;
    - iii. A dimensioned reserve area;
    - iv. For repaired or altered OSS, the new, repaired or altered components with their relationship to the existing system;
    - v. North direction indicated;
    - vi. Location of all sewage system components;
    - vii. Stub outs;
    - viii. Tightlines;
    - ix. Pump and/or siphon chamber(s);
    - x. D-box(s);
    - xi. Drainfield lines or bed and fill area(s) when applicable;
    - xii. Other treatment components – sand filter, proprietary device, disinfection unit;
    - xiii. Driveway – existing and/or proposed;
    - xiv. Building(s) size, shape and placement;
    - xv. Water line(s);
    - xvi. Location of utility and/or other easements;
    - xvii. Slope(s) - direction and percent;
    - xviii. Cuts, banks, terraces;
    - xix. Foundations;
    - xx. Property lines;
    - xxi. Surface waters, springs, wells;
    - xxii. Additional information as required for systems that are covered by Washington State Guidelines;
    - xxiii. Designer’s stamp and signature, and date of installation;
    - xxiv. Other pertinent information.

- (11) The Designer shall provide to the property owner:
  - a. One copy of the Homeowners Operations and Monitoring Manual and,
  - b. The “record drawing” of the completed system with the operational settings and installation data.
- (12) A Pre-occupancy Inspection prior to occupancy of a residence shall be required if there were no permanent structures connected to the OSS and the system requires a pump or siphon or there was not permanent power wired to a permanent structure connected to the OSS at the time of finalization of the OSS permit. This inspection may be performed by the Health Department, Designer, or a Certified Operations and Maintenance Specialist. This inspection shall verify that conditions are consistent with the final inspection and system settings are the same. The inspection report shall be submitted on forms provided or approved by JCPH. Fees shall be charged for inspection.

### **JCC 8.15.120            SEWAGE SYSTEM INSTALLER**

- (1) Certificate Required. It shall be unlawful for any person, firm or corporation to engage in construction, alteration, repair or modification of on-site sewage systems without first having been issued a Septic System Installer’s Certificate by the Health Officer.
- (2) Requirements for Sewage System Installer shall include the following:
  - a. Application shall be made on forms provided by the Health Officer.
  - b. Certificate and/or application fees as set forth in the Fee Schedule shall be payable to JCPH.
  - c. Written proof showing a minimum of one year experience under the direct supervision of a Certified Installer, Designer or Operation and Monitoring Specialist. Completion of classroom training specific to on-site sewage system installation as approved by JCPH may be substituted for up to six months of work experience.
  - d. Such certificate shall be issued only after the applicant has indicated a basic knowledge of the proper installation and function of a sewage system and knowledge of the provisions of this chapter and WAC 246-272A by successful completion of a JCPH examination. If the applicant scores below 70 percent, a license shall not be granted and the applicant may request to take the next available examination. Fees for reexamination shall be required.
- (3) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education shall be submitted to the Health Officer no later than March 1. The Certificate shall not be issued or renewed if the applicant is found by the Health Officer to be out of compliance or in violation of the provisions of this chapter.
- (4) Lapse of certification for lack of bond, payment of fees or verification of continuing education shall require completion and passage of the JCPH examination and provision of items identified.
- (5) An Installer’s Certificate is not transferable.
- (6) An Installer’s Certificate grants authority to install any on-site sewage system

approved for use in the State of Washington, EXCEPT in the case of a proprietary product where a special authorization, in writing, is required by the manufacturer or patent holder.

- (7) A Jefferson County Certified Installer, or Site Installer as defined in JCC 8.15.120 shall be present on the site during all phases of system installation.
- (8) Exception. A bona fide resident owner may construct, alter, repair, or modify a permitted on-site sewage system on his/her own property for his/her own use without obtaining an Installer's Certificate, PROVIDED:
  - a. That he/she complies with other terms of this chapter, WAC 246-272A-0250, AND
  - b. That he/she installs no more than one (1) system in any one (1) calendar year, AND
  - c. The on-site sewage system is intended to serve the primary residence of the owner, AND
  - d. The resident owner does not arrange for, nor contract, nor hire, with or without reimbursement, any person or concern to perform that work, unless that person is a Jefferson County Certified Sewage System Installer as set forth in this section, AND
  - e. The sewage system is located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed as an encumbrance, AND
  - f. Prior to beginning installation the Health Officer or designee AND the Designer are contacted to schedule required inspections, AND
- (9) A property owner may not install the OSS and its components, unless specifically allowed by the Health Officer or designee, if the site meets any of the following criteria:
  - i. Has horizontal or vertical separations less than required in WAC 246-272A;
  - ii. Receives commercial or industrial wastewater as defined in WAC 246-272A;
  - iii. Is permitted as a nonconforming repair;
  - iv. Has a reduced drainfield size of 50% or less;
  - v. Is within 200' of surface water, as measured from the ordinary high water mark;
  - vi. Is within 200' of a Category I or II wetland;
  - vii. Is in a 100yr floodplain, as defined by the Federal Emergency Management Agency;
  - viii. Is in a Special Aquifer Recharge Protection Areas as defined in JCC 18.15.240 or as amended;
  - ix. Is in a Marine Recovery Area;
  - x. Is adjacent to a marine shoreline.
- (10) Site Installer. A Certified Sewage System Installer may sponsor a site installer to be responsible for compliance with WAC 246-272A. The Certified Installer shall inform the Health Officer of the site installer's name(s) and of any changes in employment status of sponsored site installers. Site installers must pass the Installer's exam and maintain their annual certificate.

- (11) Bond and Insurance Required. Prior to the issuance of a Sewage System Installer's Certificate, the applicant must be in possession of a bond obtained in accordance with the Special or General Contractors Laws of the State of Washington running to Jefferson County Public Health on a form approved by JCPH in the sum of \$20,000 and executed by a surety company duly authorized to do business in the state of Washington. The bond shall be conditioned that the holder of the certificate and his/her agents, 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 rules and regulations. The bond must be kept in effect during the period of time for which the certificate is issued and cancellation of the bond shall automatically suspend the certificate. The bond shall run for a period of thirty-six (36) months following termination of the certificate. Applicant shall provide proof of business liability insurance in the minimum amount of five hundred thousand dollars (\$500,000.00) in accordance with the Special or General Contractors Laws of the State of Washington. EXCEPT, site installers working for or under the direction of a general contractor who is also a certified installer may have this requirement waived if the general contractor provides a written statement indicating their assumption of responsibility for the individual's work, and agreement to coverage of the individual by the general contractor's bond and liability insurance.
- (12) Continuing Education. Each installer shall obtain a minimum of eight (8) hours of approved classroom training every two (2) years. Subject matter must be directly related to on-site sewage disposal and be acceptable to the Health Officer. Proof of training shall be submitted annually with application for certificate renewal.
- (13) Suspension/Revocation. A sewage system Installers certificate may be revoked or suspended as set forth in JCC 8.15.180 if he/she has been found to be in noncompliance with provisions of this chapter or has performed with negligence, incompetence or misrepresentation.

### **8.15.130 SEPTIC TANK PUMPERS**

- (1) Certificate Required. It shall be unlawful for any person, firm, or corporation to engage in the activity of cleaning any septic tank, pump chamber, chemical toilet, or removing other accumulations of sewage without first having obtained a Septic Tank Pumper's Certificate from the Health Officer.
- (2) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education shall be submitted to the Health Officer no later than March 1. The Certificate shall not be issued or renewed if the applicant is found by the Health Officer to be out of compliance or in violation of the provisions of this chapter.
- (3) A Septic Tank Pumper's Certificate is not transferable.
- (4) Septage Disposal Site Approval. It shall be unlawful to dispose of septic tank pumpings or other accumulated sewage at any location other than disposal sites designated and approved by the Washington State Department of Ecology.

(5) No material/substance shall be discharged into any component of the OSS during pumping or maintenance excepting that tank/s may be filled with water to prevent floatation.

(6) Reporting Requirements.

- a. Each pumper shall submit to the Health Officer not later than the tenth day of each month a report on a form provided by JCPH. Said report shall contain:
  - i. The dates, sources, disposal site, disposal receipts, and volume of each load of wastes handled from the preceding calendar month.
  - ii. Vacuuming system on each occurrence with the date and physical address and property owner name.
  - iii. Hydro-jetting system on each occurrence with the date and physical address and property owner name.
- b. Each pumper shall complete an inspection report at each site where a holding tank, septic tank or pump chamber, is serviced. Inspection reports shall be submitted to JCPH. Said report shall include at a minimum the following information:
  - i. Measured depth of scum and sludge in the septic tank and pump chamber if present.
  - ii. Condition of tank(s), baffles, risers, screens
  - iii. Record signs of backflow from drainfield
  - iv. Record signs of ground water infiltration into tank(s)
  - v. Each pumper shall list portable toilet locations, the frequency of service and the disposal location on the monthly report.

(7) Pump Tank Requirements. Pumping equipment must be presented to JCPH for inspection at the time of certificate application and renewal or upon request of the health officer.

- a. The pump tank must be of at least 1,000 gallons in capacity and must be in good repair and of cleanable construction.
- b. All hoses and pumping equipment shall be kept in a clean and sanitary condition while stored or in transit.
- c. All discharge valves shall be in good repair, free from leaks and be fitted with watertight caps.
- d. The name of the operating firm shall be prominently displayed on the sides of the vehicle.

(8) Bond Required. Prior to the issuance of a Septic Tank Pumper's Certificate, the applicant must post a bond with JCPH in a form approved by the Prosecuting Attorney of Jefferson County, and executed by a surety company authorized to do business in the State of Washington, in the sum of two thousand dollars (\$2,000).

(9) Continuing Education. Each pumper shall obtain a minimum of six (6) hours of approved classroom training every two (2) years. Subject matter must be directly related to on-site sewage disposal and be acceptable to the Health Officer. Proof of training shall be submitted annually with application for renewal.

(10) Suspension/Revocation. A Septic Tank Pumper's Certificate may be revoked or suspended as set forth in 8.15.180 if he/she has been found to be in noncompliance with the terms of this chapter or has performed with negligence, incompetence or misrepresentation.

### **8.15.140 OPERATION AND MONITORING SPECIALIST**

- (1) Certificate required. It shall be unlawful for any person, firm or corporation to engage in any operation and maintenance/monitoring inspection required by JCPH without first having been issued an Operation and Monitoring Specialist Certificate by the Health Officer.
- (2) A sewage system Operation and Monitoring Specialist Certificate shall not be transferable.
- (3) Requirements for Monitoring Specialist Certificate shall include all of the following:
  - a. Application shall be made on forms provided by the Health Officer.
  - b. Certificate and/or application fees as set forth in the Fee Schedule shall be payable to JCPH.
  - c. Written proof showing a minimum of one-year experience under the direct supervision of a Certified Installer, Designer or Operation and Monitoring Specialist or other experience as approved by the Health Officer. Completion of classroom training specific to on-site sewage system operation and maintenance as approved by JCPH may be substituted for up to six months work experience.
  - d. Written proof of completion of a minimum of sixteen (16) hours of training in on-site wastewater treatment, operation and maintenance at the Northwest On-site Wastewater Training Center or equivalent.
  - e. Take and pass a written examination to determine the applicant's knowledge of the operation and monitoring requirements, both herein and in WAC 246-272A or as amended, for the on-site sewage systems approved by the Washington State Department of Health, excepting those proprietary devices requiring a special authorization from the system proprietor.
- (4) Scope of Practice
  - a. The Operations and Monitoring Specialist may complete regular maintenance of an on-site sewage system including:
    - i. Measuring levels of sludge, scum and liquid in the system components;
    - ii. Visual evaluation of the condition of all system components;
    - iii. Inspect and report the condition of system components; monitoring ports and the surface above the drainfield/disposal area; or
    - iv. Record information from devices such as cycle counter or operating hour meters and water meters
  - b. The Operations and Monitoring Specialist may complete the following if authorized by the homeowner:
    - i. Clean pump screen or outlet baffle screen;
    - ii. Install and repair septic tank lids, risers and baffles;
    - iii. Replace pumps, float switches, and check valves intended to prevent the back flow of effluent into the pump chamber, within Washington State Labor and Industry requirements; or
    - iv. Make repairs to a septic tank or pump chamber to correct a condition of ground water intrusion or leakage.

- v. Excavate for purposes of affixing sweeping 45 degree angle lateral ends and removable end caps on manifolds and lateral lines, for purposes of maintenance, such as flushing, jetting and brushing.
- c. The Operations and Monitoring Specialist shall not:
  - i. Pump the septic tank and/or pump chamber, EXCEPT in the case where he/she also holds a valid Septic Tank Pumper's Certificate;
  - ii. Excavate an OSS's drainfield or any drainfield component, EXCEPT as stated in 8.15.140 (4)(b) above, OR in the case where he/she also holds a valid Installer's Certificate;
  - iii. Alter devices such as cycle counters or operating hour meters without the prior written approval of JCPH;
  - iv. Alter or replace any portion of the subsurface disposal component or pretreatment components, EXCEPT as stated in 8.15.140(b) (v) and EXCEPT in the case where he/she also holds a valid Installer's Certificate and a permit has been obtained for such work; or
  - v. Replace or alter devices that monitor or regulate the distribution of the effluent.

(5) The Operations and Monitoring Specialist shall report failure of an on-site sewage system to JCPH within 24 hours of first identifying the failure.

(6) Inspection Reports shall be submitted by the Operations and Monitoring Specialist to JCPH or other authorized agency within thirty (30) days following the inspection.

(7) Only certified Operation and Monitoring Specialists that have also obtained written approval from either the manufacturer or patent holder may operate and maintain proprietary devices governed by this chapter.

(8) Continuing Education. Each Operations and Monitoring Specialist shall obtain a minimum of eight (8) hours of approved classroom training pertaining to on-site sewage treatment and disposal every two (2) years. Proof of training shall be submitted annually with application for renewal.

(9) Bond Required. Prior to the issuance of an Operation and Monitoring Specialist Certificate, the applicant must be in possession of a bond obtained in accordance with the Special or General Contractors Laws of the State of Washington and provide proof of business liability insurance in the minimum amount of five hundred thousand dollars (\$500,000.00).

(10) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education shall be submitted to the Health Officer by March 1. The certificate shall not be issued or renewed if the applicant is found by the Health Officer to be out of compliance or in violation of the provisions of this chapter.

(11) Suspension/Revocation. An Operation and Monitoring Specialist's Certificate may be revoked or suspended as set forth in 8.15.180 if he/she has been found to be in noncompliance with the terms of this chapter or has performed with negligence, incompetence or misrepresentation.



## **8.15.150 OPERATION, MAINTENANCE AND MONITORING**

- (1) Responsibility of Owner(s). The owner of every residence, business, or other place where persons congregate, reside or are employed that is served by an OSS, and each person with access to deposit materials in the OSS shall use, operate, and maintain the system to eliminate the risk to the public associated with improperly treated sewage. Owners' duties are included, without limitation, in the following list:
- a. They shall comply with the conditions stated on the on-site sewage permit.
  - b. They shall employ an approved pumper to remove the septage from the tank(s) when the level of solids and scum indicates that removal is necessary. The septic tank shall be pumped when the total amount of solids equals or exceeds one-third (1/3) the volume of the tank. The pump and/or siphon chamber(s) shall be pumped when solids are observed.
  - c. They shall not use water in quantities that exceed the OSS's designed capacity for treatment and disposal.
  - d. They shall not deposit solid, hazardous waste, or chemicals other than household cleaners in the OSS.
  - e. They shall not deposit waste or other material that causes the effluent entering the drainfield to exceed the parameters of residential/household waste strength.
  - f. They shall not build any structure in the OSS area or reserve area without express, prior consent of the Health Officer.
  - g. They shall neither place nor remove fill over the OSS or reserve area without express, prior consent of the Health Officer.
  - h. They shall not pave or place other impervious cover over the OSS or reserve area.
  - i. They shall divert drains, such as footing or roof drains away from the area of the OSS.
  - j. They shall comply with inspection requirements in JCC 8.15.150 and WAC 246-272A
  - k. They shall complete maintenance and repair of the OSS as recommended by the monitoring entity.
  - l. They should not dispose of excess food waste via a garbage disposal.
  - m. They should not drive, park or store vehicles or equipment over the drainfield or reserve area.
  - n. They should not allow livestock access to the OSS area or reserve area.
  - o. They shall comply with WAC 246-272A-270.
- (2) Breach of Owner's Responsibilities. An owner's or occupier's failure to fulfill any of the responsibilities in 8.15.150 (1) shall be a basis for a Notice of Violation and for the Health Officer to decline to issue approval for further development on the parcel.
- (3) Where a proprietary product is included as a part of the onsite sewage system a notice shall be placed on the title of the property providing notice that the site is served by an alternative method of sewage disposal and requires regular maintenance that must be performed by a person authorized by the device manufacturer and certified by JCPH. This notice shall be recorded prior to final approval of the system on forms approved by JCPH.

(4) The Health Officer shall be responsible to make available written guidance on the proper maintenance and operation of the OSS to the owner. Information shall be made available at JCPH and the Jefferson County Department of Community Development locations and shall be mailed on a periodic basis to owners of OSS by the Health Officer or his/her designated representative.

(5) Inspection Requirements.

- a. The owner shall ensure that the OSS receives an inspection by an approved monitoring entity at the frequency identified in JCC 8.15 Table 1 as adopted or hereinafter amended.
- b. Treatment devices and Proprietary products. Existing and proposed systems that include a treatment device or proprietary product in order to meet a treatment standard (or in which Chapter 246-272A WAC or a Washington State Department of Health Guideline requires ongoing operation and maintenance as a condition of approval) shall be inspected at the frequency established in WAC 246-272A . Said inspections shall be completed by personnel authorized by the manufacturer and certified by JCPH.
- c. Owners of existing and new OSS generating waste water of greater than residential strength, including food service establishments shall be inspected annually by an approved monitoring entity.
- d. The Health Officer may require more frequent inspections for systems where a problem has been identified.
- e. Multiple Requirements. If the manufacturer, patent holder, state, JCPH, and any other relevant body have differing recommendations or requirements for inspection and maintenance intervals for an OSS or any component of the OSS, then the owner shall follow the most frequent service interval.

(6) Operations and Monitoring Agreement.

- a. The owner of any site where a permit is issued for an on-site sewage component shall complete and record to the property title an Operations and Monitoring Agreement prior to finalization of the permit. The agreement shall be on a form approved by the Public Health Department.
- b. The owner of a conventional OSS shall be subject to a permit condition requiring compliance with the inspection schedule specified in JCC 8.15 Table 1 beginning with the earliest of the following events:
  - i. The installation of an OSS.
  - ii. The repair of an OSS.
  - iii. The modification of an OSS.
- c. Owners of existing conventional systems shall obtain an initial inspection by JCPH, Licensed Designer or licensed professional engineer and comply with the inspection schedule specified in JCC 8.15 TABLE 1 beginning with the earliest of the following events:
  - i. The sale of the property.
  - ii. The application for a building permit on the site.
  - iii. The use of an OSS as a community OSS.
  - iv. Identification that an OSS is in a Marine Recovery Area or a Shellfish Protection District as designated by the Jefferson County Board of Health.

- v. Identification that a system has received a Waiver/Variance from State or Local Code.
- d. Owners of all onsite sewage systems (conventional, alternative and proprietary systems after meeting manufacturers training requirements) may obtain operations and monitoring inspections from a Certified Monitoring Specialist in lieu of JCPH, Licensed Designer or licensed professional engineer for the following inspection:
  - i. Routine O&M
  - ii. The sale or transfer of a property
  - iii. The application for a building permit that is not classified as an expansion.
- e. Owners of existing and new OSS generating waste water of greater than residential strength, including food service establishments shall be inspected annually by an approved monitoring entity.

(7) Operation and Monitoring Requirements.

- a. On-site Sewage Systems in Jefferson County shall be inspected and maintained as set forth in JCC 8.15 TABLE 1 by an approved monitoring entity that meets the standards set forth in 8.15.140.
- b. Access Required. The owner of the system shall provide access to the system for inspection and maintenance/monitoring as follows:
  - i. Septic tank. Septic tanks shall be fitted with watertight pumping access risers to the ground surface over both compartments and over the outlet baffle, EXCEPT, as set forth in 8.15.090 (10). The risers shall have a means to lock or secure the lid against tampering and accidental access.
  - ii. Pump Chamber. Pump chambers shall have a watertight riser to ground surface over the pump. The riser shall have a means to lock or secure the lid against tampering and accidental access.
  - iii. Proprietary Devices and Disinfection Equipment. Access shall be provided as determined by the manufacturer or patent holder and shall include access to ground surface for effluent sample collection, observation and inspection of the unit.
- c. Fees for inspections and contracts shall be set by the service provider.

(8) Inspection Report. The inspection report shall be submitted to JCPH on JCPH forms. The inspection report form shall be completed in full for an inspection to be considered valid.

**8.15.165 WAIVER OF STATE OR LOCAL REGULATIONS**

(1) Applicability. Any person who owns or operates an OSS may apply to the Health Officer for a waiver from any paragraph of these regulations.

(2) Granting Requirements.

- a. The Health Officer may grant such a waiver if it finds that:
  - i. Special circumstances exist that are not of the applicant's making;

- ii. An unnecessary hardship will occur without the waiver;
  - iii. The Health Officer has determined that the waiver is consistent with the standards in, and the intent of, the public health protection purpose and objectives of these rules;
  - iv. Corresponding mitigation measure(s) to assure that public health and water quality protection, at least equal to that established by these rules, is provided.
- b. The Health Officer may grant a waiver conditioned by a timetable if:
    - i. Compliance with this regulation will require spreading of costs over a considerable time period; and
    - ii. The timetable is for a period that is needed to comply with this regulation.
  - c. The Health Officer may grant waivers from these regulations for standards that are more stringent than the standards of Chapter 246-272A WAC, or from provisions in these regulations that are not contained in Chapter 246-272A without Department of Health approval.

(3) Application.

- a. The application shall be made on forms provided by JCPH and accompanied by all information required by the Health Officer or designee.
- b. The Health Officer may request additional information if required to make a decision.
- c. An application for a waiver, or for the renewal thereof, submitted to the Health Officer shall be approved or disapproved by the Health Officer within ninety (90) calendar days of receipt unless the applicant and the Health Officer agree to a continuance.

- (4) Renewal. The Health Officer may renew any waiver granted pursuant to this paragraph on terms and conditions and for periods that would be appropriate on initial granting of a waiver. No renewal shall be granted except on written application. Any such application shall be made at least sixty (60) calendar days prior to the expiration of the variance.

**JCC 8.15.170 APPEAL/HEARING**

(1) Appeal of Public Health Action – Health Officer Administrative Hearing.

Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection, permit issuance or enforcement action conducted by Public Health under this regulation, may request, in writing, a hearing before the Health Officer or his or her designee. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of Public Health. Such request shall be presented to the Health Officer within ten (10) business days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five (5) business days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not less than five (5) business days nor more than thirty (30)

business days from the date the request was received. The Health Officer will issue a decision upholding or reversing Public Health's action. The Health Officer may require additional actions as part of the decision.

(2) Appeal of Administrative Hearing.

- a. Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Board of Health. Such notice of appeal shall be in writing and presented to the Health Officer within five (5) business days of the findings and actions from the administrative hearing and shall be accompanied by a fee as established in the current Public Health fee schedule. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer. The appellant and the Health Officer may submit additional information to the Board of Health for review.
- b. The notice and order to correct violation shall remain in effect during the appeal. Any person affected by the notice and order to correct violation may make a written request for a stay of the decision to the Health Officer within five (5) business days of the Health Officer's decision. The Health Officer will grant or deny the request within five (5) business days.
- c. Upon receipt of a timely written notice of appeal together with the hearing fee, the Health Officer shall set a time, date, and place for the requested hearing before the Board of Health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five (5) business days or more than thirty (30) business days from the date the appeal was received by the Health Officer.
- d. Any decision of the Board of Health shall be final and may be reviewed by an action filed in superior court. Any action to review the Board's decision must be filed within thirty (30) business days of the date of the decision.

(3) All revocation hearings shall be conducted by the Board of Health.

(4) The following guidelines apply to all hearings and appeals conducted by the Board of Health pursuant to this section:

- a. Appeals shall be made in writing and shall be signed and dated by the petitioning party.
- b. Appeals shall include a brief and concise statement of the law and facts, which affirmatively establish that the Health Officer has committed an error.
- c. Appeals shall be transmitted to the Board of Health by JCPH following receipt from the petitioning party together with all relevant material associated with the Health Officers action, including but not limited to, applications, reports, soil logs, photographs, staff analysis and recommendations.
- d. Upon receipt of the appeal materials transmitted by JCPH, the Board of Health shall conduct a hearing to determine the correctness of the decision by the Health Officer within thirty-five (35) days. The petitioner shall be given five (5) days' notice by certified mail of the purpose, time, date and place of said hearing. Further, if the petitioning party is a person other than the permit applicant or a permit holder, then notice of the purpose, time, date, and place

- of said hearing shall likewise be mailed by certified mail to the permit applicant or permit holder.
- e. Any hearing conducted pursuant to this section shall be a public hearing and the chairperson of the Board of Health shall open the hearing and take testimony from any interested persons; provided, that testimony in suspension or revocation hearings shall be limited to that presented by the Health Officer, the certificate holder and any witness called by them; provided further, that the chairperson may limit the length of the testimony to a specific amount of time to be applied equally to those interested persons wishing to speak except in suspension or revocation hearings where the Board of Health is authorized to use its discretion.
  - f. The procedure to be utilized during any hearing conducted pursuant to this section shall be as follows:
    - i. The petitioning party, permit applicant, or permit holder and the Health Officer, if not the petitioning party, shall be given an opportunity to present evidence, analysis and recommendations.
    - ii. Members of the Board of Health may direct questions to the petitioning party, permit applicant or permit holder and Health Officer.
    - iii. The chairperson of the Board of Health shall permit the presentation of testimony by any interested person as set forth in this chapter.
    - iv. Following presentation of evidence and testimony, the chairperson of the Board of Health shall close the hearing and initiate discussion with other board members on the matters presented.
    - v. Following discussion, the Board of Health shall make ruling on the appeal.
    - vi. Under no circumstances shall cross-examination of persons making presentations at the hearing be permitted, notwithstanding that the Board of Health may ask questions as set forth above.
  - g. Should the Board of Health require additional testimony, it may continue the public hearing to a date and time not to exceed thirty-five (35) days following the date of the initial public hearing; PROVIDED that at the close of the second public hearing the Board of Health may continue its deliberations on the appeal to another time and date not to exceed thirty-five (35) days following the close of the second public hearing conducted to receive additional testimony. In all other cases the Board of Health may continue its deliberations on the appeal to another date and time not to exceed thirty-five (35) days following the close of the public hearing.
  - h. Relevant evidence is admissible, if in the opinion of the Board of Health it is the best evidence reasonably obtainable having due regard for its necessity, availability and trustworthiness; provided that, in passing upon the admissibility of evidence the Jefferson County Board of Health may give consideration to, but shall not be bound to follow the rules of evidence governing civil proceedings in matters not involving trial by jury in the Superior Court of the State of Washington.
  - i. A full and complete record shall be kept of all proceedings and all testimony shall be recorded. The record of testimony and exhibits together with all

papers and requests filed in the proceedings shall constitute the exclusive record for the decision in accordance with the law.

- j. All decisions shall become a part of the record and shall include a statement of Findings and Conclusions.
- k. Notice of the decision of the Board of Health shall be provided not later than ten (10) days following the date of its decision.
- l. The petitioning party, permit applicant, permit holder, or designated agent, and JCPH shall be notified of the decision of the Board of Health, together with the Findings and Conclusions.

### **JCC 8.15.180            ENFORCEMENT/PENALTY**

#### **(1) Other Laws, Regulations and Agency Requirements**

- a. All OSS management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons, which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.
- b. If a conflict exists between the interpretation of Chapter 246-272A WAC and these regulations, the more stringent regulation shall apply to better protect public health and the environment.

(2) Enforcement Authority. The Health Officer, his or her designee, or any person appointed as an "Enforcement Officer" by the Jefferson County Board of Health shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

#### **(3) Right of Entry**

- a. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has or is being committed, the Health Officer or his/her duly authorized inspector may, in accordance with federal and state law, seek entry of any building, structure, property or portion thereof at reasonable times to inspect the same.
- b. Prior to entering any building, structure, property or portion thereof the Health Officer or his/her duly authorized inspector shall attempt to secure the consent of the owner, occupant or other person having apparent charge or control of said building, structure, property or portion thereof.
  - i. 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.
  - ii. In attempting to contact the owner, occupier or other persons having apparent control of said building, structure, property or portion thereof, the inspector may approach said building or structure by a

recognizable access route, e.g., a street or driveway, leading to said building or structure.

- c. If permission to enter said building, structure, property or portion thereof is not obtained from the owner, occupier or other persons having apparent control of said building, structure, property or portion thereof the inspector may enter said building, structure, property or portion thereof only if the entry into the building, structure, or property is consistent with applicable state and federal law.
- d. If permission to enter said building, structure, property or portion thereof is not obtained from the owner, occupier or others persons having apparent control of said building, structure, property or portion thereof, the Health Officer or his/her duly authorized inspector shall also have recourse to any other remedies provided by law to secure entry, including but not limited to search warrants based on probable cause or statutory authority.

#### (4) Notice and Order to Correct Violation

- a. Issuance. Whenever the Health Officer determines that a violation of these regulations has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.
- b. Content. The notice and order to correct violation shall contain:
  - i. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
  - ii. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
  - iii. A description of the violation and a reference to that provision of the regulation, which has been violated;
  - iv. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;
  - v. A statement that each violation of this regulation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation;
  - vi. A statement that the person, to whom the Notice and Order is directed, can appeal the Order to the Health Officer, in accordance with the terms of this Chapter, and that any such appeal must be presented to the Health Officer with ten days;
  - vii. A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties.
- c. Receipts. The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts from a certified professional to demonstrate compliance with an order issued by the Health Officer.
- d. Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy



- of the order to correct violations by first class and / or certified mail postage prepaid, return receipt requested, to such person at his/her last known address. The notice and order to correct violation shall also be served via certified mail/return receipt requested to the owner of the parcel or parcels where the alleged violations are occurring, to the owner's last known address.
- e. Extension. Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.
  - f. Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.
  - g. Enforcement of Order. If, after any order is duly issued by the Health Officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:
    - i. Utilize any remedy or penalty under Section 180(5) of these regulations; and/or
    - ii. Abate the health violation using the procedures of these regulations; and/or
    - iii. Pursue any other appropriate remedy at law or equity.
  - h. Written Assurance of Discontinuance. The Health Officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this regulation.

#### (5) Violations, Remedies and Penalties

- a. Violations.
  - i. Violations of these regulations may be addressed through the remedies and penalties provided in this section.
  - ii. Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be considered a separate and distinct violation.
  - iii. The Health Officer may investigate alleged or apparent violations of these regulations. Upon request of the Health Officer or designee, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.
  - iv. Violations, apparent or alleged, that occurred or are occurring in environmentally sensitive areas, as that term is defined in this Chapter, of Jefferson County will have the highest priority for investigation by those persons charged in this Chapter with investigating such violations and enforcing this Chapter and such violations will be subject to a 'zero tolerance' policy.
- b. Civil Remedies.

- i. Except as provided in Section 180, the violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to Chapter 7.80 RCW, Civil Infractions.
    - ii. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates this regulation, may be assessed a civil penalty up to \$513.00 per day of continuous violation to be directly assessed by the Health Officer until such violation is corrected.
    - iii. The Health Officer may issue a notice of civil infraction pursuant to Chapter 7.80 RCW if the Health Officer has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard and determined as described in Chapter 7.80 RCW, and any applicable court rules.
    - iv. All other legal and equitable remedies are also deemed available to Public Health or its Health Officer and may be invoked, utilized or sought at any time regardless of whether other remedies have or have not been undertaken or sought.
  - c. Criminal Penalties.
    - i. Any person who fails, neglects, or refuses to obey an order of the Health Officer to correct a violation as set forth in Section 180 above shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
    - ii. Any person who fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to Section 180 above shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
  - d. Stop-Work Orders. The Health Officer may cause a Stop-Work order to be issued whenever the Health Officer has reason to believe that a violation of this regulation is occurring. The effect of the Stop-Work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until authorized by the Health Officer to proceed.
    - i. Content. A Stop-Work Order shall include the following:
      - 1. The name and address for the person responsible for the alleged violation;
      - 2. The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring.
      - 3. A description of the violation and reference to the provision of the Jefferson County Board of Health Ordinance, which has been allegedly violated;

4. The required corrective action;
  5. A statement that a failure to comply with the order may lead to issuance of a civil infraction to the person named in the order;
  6. A statement that the person to whom the Stop Work Order is directed can appeal the Order to the Health Officer in accordance with Section 170 of this Chapter and that any such appeal must be presented to the Health Officer within ten days.
- ii. Service of Notice. The Health Officer shall serve the Stop Work Order upon the owner of the property where the alleged violation occurred or is occurring and the person, firm or business entity that has allegedly violated this Chapter, either personally or by mailing a copy of the notice by regular and certified or registered mail, within a five-day return receipt requested, to the owner at his or her last known address. A copy of the Order shall also be posted on the property where the alleged violation occurred or is occurring.
  - iii. Posting of Notice. In addition to service of the notice listed above, an additional notice shall be posted on the property in substantially the following form:

Under the authority of Jefferson County Public Health Code 8.15  
Onsite Sewage Regulations you are hereby required to immediately  
**STOP WORK**

This order is in effect at this property for all work and activities that  
relate to violations of Jefferson County Public Health Code 8.15  
Onsite Sewage Regulations, and remains in effect until removed by  
Public Health. It is a violation of these regulations to remove,  
deface, destroy, or conceal a posted Stop Work Order. **FAILURE  
TO COMPLY WITH THIS ORDER MAY RESULT IN THE  
ISSUANCE OF A CIVIL INFRACTION.**

- e. Voluntary Correction. When the Health Officer determines that a violation has occurred or is occurring, he or she shall attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.
  - i. Voluntary Correction Agreement. The person responsible for the alleged violation may enter into a voluntary correction agreement with Public Health. The voluntary correction agreement is a contract between Public Health and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement will be in lieu of the issuance of further citations or the abatement of the property pursuant to RCW 7.48 or of this Chapter. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the alleged violation;
  2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;
  3. A description of the alleged violation and a reference to the regulation, which has been violated;
  4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
  5. An agreement by the person responsible for the alleged violation that Public Health may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;
  6. An agreement by the person responsible for the alleged violation that Public Health may enter the property to abate the violation and recover its costs and expenses (including administrative, hearing and removal costs) from the person responsible for the alleged violation if the terms of the voluntary correction agreement are not satisfied; and
  7. An agreement that by entering into the voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the Health Officer under these regulations or otherwise, regarding the matter of the alleged violation and/or the required corrective action.
- ii. Right to a Hearing Waived. By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the Health Officer under these regulations or otherwise, regarding the matter of the violation and/or the required corrective action. The person responsible for the alleged violation may, by through written documentation provided to the Health Officer, state his or her decision to reject and nullify the voluntary correction agreement, at which time that person is entitled to an appeal to the Health Officer pursuant to Section 170 of this Chapter.
  - iii. Extension and Modification. The Health Officer may, at his or her discretion, grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.
  - iv. Abatement by Public Health. The county may abate the alleged violation in accordance with Section 180(5)(f) if all terms of the voluntary correction agreement are not met.
  - v. Collection of Costs. If all terms of the voluntary correction agreement are not met, the person responsible for the alleged violation shall be assessed all costs and expenses of abatement, as set forth in Jefferson County Public Health Code 8.15.

- f. Abatement Orders. Where the Health Officer has determined that a violation of these regulations has occurred or is occurring, he or she may issue an Abatement Order to the person responsible for the alleged violation requiring that the unlawful condition be abated within a reasonable time period as determined by the Health Officer.
  - i. Prerequisite to Abatement Order. Absent conditions which pose an immediate threat to the public health, safety or welfare of the environment, the procedures for abatement of conditions constituting a violation of these regulations should be utilized by Public Health only after corrections of such conditions have been attempted through the use of the civil infractions process. Once it has been determined by Public Health that there is an immediate threat to the public health's safety or welfare and that correction of such conditions has not been adequately achieved through use of the civil infraction process, then Public Health is authorized to proceed with abatement of such conditions pursuant to these regulations. Public Health shall also attempt to enter into a voluntary corrections agreement prior to issuing an Abatement Order.
  - ii. Content. An Abatement Order shall include the following:
    - 1. The name and address for the person responsible for the alleged violation;
    - 2. The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;
    - 3. A description of the violation and reference to the provision of the Jefferson County Board of Health Ordinance, which has been allegedly violated;
    - 4. The required corrective action and a date and time by which the correction must be completed and after which, the Health Officer may abate the unlawful condition in accordance with this Chapter.
    - 5. A statement that the costs and expenses incurred by Public Health pursuant to of this Chapter, including any amount expended on staff time to oversee the abatement, may be assessed against a person to whom the Abatement Order is directed in a manner consistent with this Chapter; and
    - 6. A statement that the person to whom the Abatement Order is directed can appeal the Order to the Health Officer in accordance with this Chapter.
  - iii. Service of Notice. The Health Officer shall serve the Abatement Order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by regular and certified or registered mail, a five-day return receipt requested, to the owner at his or her last known address. The Order shall also be served on each of the following if known to the Health Officer or disclosed from official public records: the holder of any

mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record and the holder of any other estate or legal interest of record in or to the property or any structures on the property. The failure of the Health Officer to serve any person required herein to be served, shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such served person from any duty or obligation imposed by the provisions of this section. A copy of the Order shall also be posted on the property where the alleged violation occurred or is occurring.

- iv. Authorized Action by Public Health. Using any lawful means, Public Health may enter the subject property and may remove or correct the condition that is subject to abatement.
- v. Recovery of Costs and Expense. The costs of correcting a condition which constitutes a violation of these regulations, including all incidental expenses, shall be billed to the owner of the property upon which the alleged violation occurred or is occurring, and shall become due within fifteen calendar days of the date of mailing the billing for abatement. The term "incidental expenses" includes, but is not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; towing/hauling, storage and removal/disposal expenses; and actual expenses and costs to Public Health in preparing notices, specifications and contracts associated with the abatement, and in accomplishing and /or contracting and inspecting the work; and the costs of any required printing and mailing.
- vi. Collection of Costs and Expenses. The costs and expenses of correcting a condition, which constitutes a violation of these regulations, shall constitute a personal obligation of the person to whom the Abatement Order is directed. Within fifteen days of abating any violation, the Health Officer shall send the person named in the Abatement Order a bill that details the work performed, materials removed, labor used and the costs and expenses related to those tasks as well as any other costs and expenses incurred in abating the violation.
- g. Notice to Vacate. When a condition constitutes a violation of these regulations and poses an immediate threat to life, limb, property, or safety of the public or persons residing on the property, the Health Officer may issue a Notice to Vacate.
  - i. Content. A Notice to Vacate shall include the following:
    - 1. The name and address for the person responsible for the alleged violation;
    - 2. The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

3. A description of the violation constituting an emergency and reference to the provisions of the Jefferson County Board of Health regulations, which has been allegedly violated;
  4. A date, as determined by the severity of the emergency, by which any persons must vacate the premises. In case of extreme danger to persons or property immediate compliance shall be required;
  5. The required corrective action;
  6. A statement that the person to whom the Notice to Vacate is directed can appeal the order to the Health Officer in accordance with Section 170 of this Chapter and that any such appeal must be presented to the Health Officer within ten days.
- ii. Service of Notice. The Health Officer shall serve the Abatement Order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by regular and certified or registered mail, with a five-day return receipt requested, to the owner at his or her last known address. A copy of the Order shall also be posted on the property where the alleged violation occurred or is occurring.
  - iii. Posting the Notice. In addition to providing service as states above, an additional notice shall be posted on the property in substantially the following form:

DO NOT ENTER  
UNSAFE TO OCCUPY  
It is a violation of the Jefferson County Board of Health Code 8.15  
to occupy this building, or to remove or deface this notice.  
\_\_\_\_\_, Health Officer  
Jefferson County Public Health

- iv. Compliance. No person shall remain in or enter any building, structure, or property which has been so posted, except that entry may be made to repair or correct any conditions causing or contributing to the threat to life, limb, property, or safety of the public or persons residing on the property. No person shall remove or deface any such notice after it is posted until the required corrective action has been completed and approved.

(6) Appeals – see section 8.15.170.

(7) Administrative – Certificate Holders.

a. Suspension of Certificate.

- i. The Health Officer may suspend any certificate upon making the determination, after a hearing between the Health Officer and the certificate holder, that the holder has performed with negligence, incompetence, misrepresentation or failure to comply with the applicable rules, regulations, guidelines, policies or practices which pertain to water supply and waste water disposal, to have made

fraudulent misrepresentation in making application for a certificate or to have made fraudulent misrepresentation in making application for a permit to install an on-site sewage system, either existing at the time of certification or as thereafter enacted.

- ii. The Health Officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the Health Officer and the affected certificate holder(s).
  - iii. For the first confirmed violation under this subsection, the suspension period shall not exceed thirty (30) days; and the second violation in any three (3) year period shall result in a suspension of the certificate for a period not less than fifteen (15) days and not to exceed one hundred eighty (180) days.
  - iv. If the Health Officer suspends a certificate, the certificate holder shall not proceed with any further work in connection with the activity covered by the certificate.
  - v. The certificate holder shall be notified by certified mail of suspension of the certificate upon determination of a finding that a violation has occurred requiring suspension.
- b. Revocation of Certificate.
- i. A certificate may be revoked for repeated violation of any of the requirements of these regulations or any other applicable regulation or if, after a hearing with the Board of Health, the holder of such certificate shall be found grossly incompetent or negligent, or to have made fraudulent misrepresentations in making application for a certificate or for a permit to install an on-site sewage system, or should the bond or insurance required herein be cancelled.
  - ii. The Health Officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the Health Officer and the affected certificate holder(s).
  - iii. The third Notice of Violation issued by JCPH staff within any twelve (12) month period shall be considered as repeated violations and result in certificate revocation.
  - iv. If the Board of Health revokes a certificate, the certificate holder shall not proceed with any further work in connection with the activity covered by the certificate.
  - v. The certificate holder shall be notified by certified mail of revocation of the certificate, upon determination of a finding that a violation has occurred requiring revocation.
  - vi. If, after revocation of a certificate, the applicant desires to reapply for a certificate, the applicant must wait six (6) months prior to reapplication. Any person whose certificate has been revoked will be required to pay all applicable fees and take and pass the written examination again before issuance of a new certificate.
- c. Reinstatement of Suspended or Revoked Certificate.
- i. The certificate holder shall make written application for reinstatement to the Environmental Health Director specifying what practices,



- performance, and conditions that were named as grounds for suspension or revocation have been remedied; and the certificate holder will provide a description of the changes in performance that will occur which will directly avoid the repetition of past violations.
- ii. The Environmental Health Director, upon determining that noted deficiencies have been satisfactorily addressed, shall schedule the individual for participation in the next available examination where applicable. Reissuance of the certificate is subject to the individual's successful completion of the application and testing procedure and payment of testing and certification fees as per the Fee Ordinance.
  - d. Probation. A period of probation consisting of additional reporting or inspection requirements may be imposed on a certificate holder as a result of violations of these rules or as a condition of operation following suspension/revocation of a certificate. Said period and requirements shall be the decision of the Health Officer and shall be determined after an administrative hearing with the certificate holder.
  - e. Appeal. Any person feeling aggrieved because of the suspension or denial of a certificate by the Health Officer may, within fifteen (15) days of the suspension or denial, appeal to the Board of Health as set forth in JCC 8.15.170.

**(8) Administrative – Property Owners**

- a. Notice to Title. If the Health Officer finds that an owner has failed to comply with the requirements of this regulation, AND all administrative remedies have been exhausted, AND the case has been forwarded to the Jefferson County Prosecuting Attorney for further action, the Health Officer may record a Notice of Potential Uncorrected Violation finding on the title of the property with the Jefferson County Auditor.
- b. Removal of Notice. The owner shall make written request to the Health Officer for rescission of the Notice to Title. The request shall specify corrective actions that have been completed.
- c. The Health Officer, upon determining that noticed violation has been corrected, shall record a Rescission of Notice with the Jefferson County Auditor.
- d. The owner shall pay fees as required to complete inspection(s) to verify correction and to record the Rescission prepared by JCPH.

**JCC 8.15.190 SEVERABILITY**

Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

**JCC 8.15.200            FEES**

- (1) Fees shall be as per Jefferson County Public Health Fee Schedule.
- (2) Refunds shall not be granted if field investigation, plan review, site visit or design review has been completed by JCPH.
- (3) A refund of the application fee minus an administrative fee of forty-five dollars (\$45.00) shall be granted upon written request of the applicant/owner, EXCEPT as noted in (2) above.
- (4) All Sewage System Installer's, Septic Tank Pumper's, and Operation and Monitoring Specialist Certificates are renewable annually on March 1. Should any renewal fee remain unpaid by March 31, a penalty fee according to the Fee Schedule shall be charged. Previously issued certificates shall become void if not renewed prior to April 1.
- (5) Fees generated under this authority cannot be used to support non-public health activities.

**JCC 8.15.210            EFFECTIVE DATE**

This chapter shall be effective ten (10) days after approval is obtained from the Department of Health as per WAC 246-272A-0015 (10)

**JCC 8.15.220            CONFLICT**

Where other County regulations are in conflict with this ordinance, the more restrictive regulation shall apply and such application shall extend only to those specific provisions that are more restrictive.

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**TABLE 1  
THIRD PARTY OPERATIONS/MONITORING INSPECTION SCHEDULE  
FOR ONSITE SEWAGE SYSTEMS**

TYPE OF SYSTEM	SITE SIZE EQUAL TO OR LESS THAN 1 AC	SITE SIZE GREATER THAN 1 AC	WAIVER REQUIRED AND/OR APPROVED	SITE ON SHORELINE & SYSTEM < 200' TO SHORELINE	COMMERCIAL WITH HIGH STRENGTH WASTE
CONVENTIONAL *	Every 3 years and at time of sale <sub>1</sub>	Every 6 years and at time of sale <sub>1</sub>	Every 3 years and at time of sale <sub>1</sub>	Every 3 years and at time of sale <sub>1</sub>	Annually or as specified in sewage disposal permit
ALTERNATIVE SYSTEMS	At 6 mos, at one year & annually thereafter and at time of sale <sub>1</sub>	At 6 mos, at one year & then every 3 years and at time of sale <sub>1</sub>	At 6 mos, at one year & annually thereafter and at time of sale <sub>1</sub>	At 6 mos, at one year & annually thereafter and at time of sale <sub>1</sub>	Annually or as specified in sewage disposal permit
PROPRIETARY DEVICES	At the schedule required by the Treatment Standard to be met and manufacturers' guidelines	At the schedule required by the Treatment Standard to be met and manufacturers' guidelines	At the schedule required by the Treatment Standard to be met and manufacturers' guidelines	At the schedule required by the Treatment Standard to be met and manufacturers' guidelines	At the schedule required by the Treatment Standard to be met and manufacturers' guidelines. Annually at a minimum.

The third party inspection does not alleviate the responsibility of the homeowner to complete inspections as required in the O & M Manual provided by the system designer and maintain the system when problems are observed.

Time of sale inspection is required only if inspections have not been kept current per this schedule or if the site has not been inspected and is not yet enrolled in the inspection schedule.

**REPORTS OF ALL INSPECTIONS SHALL BE SUBMITTED ON FORMS SUPPLIED BY THE HEALTH DEPARTMENT**

Any system where a system operation problem is identified at the time of inspection shall be reinspected within 6 mos.

All maintenance of proprietary devices shall be completed by factory authorized personnel.

\* CONVENTIONAL includes gravity and pump to gravity only

\*\*The inspection schedule for alternative systems is specified in the State Guidelines for Pressure Distribution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

**JEFFERSON COUNTY BOARD OF HEALTH**

Roberta Frissell, Chair

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*Excused*  
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