

ORDINANCE NO. _____

AN ORDINANCE amending Article I, Appendix A, Section IV, Part 1(C)(10) and Article IV, Section 16 of the Sanitary Code for Thurston County.

WHEREAS, the Board of Health adopts the following findings:

1. On January 7, 2008, the Thurston County Board of Health adopted the *Thurston County On-site Sewage System Management Plan* developed by an advisory committee to comply with requirements of chapter 246-272A WAC. The management plan recommends adoption of requirements for evaluating and reporting on the status of on-site sewage systems in preparation for the sale or transfer of property.
2. The Board of Health adopted requirements to inspect and report on the status of on-site sewage systems prior to transfer of property in Section 16 of Article IV of the Sanitary Code for Thurston County to become effective June 1, 2010.
3. In anticipation of the June 1, 2010 effective date, Environmental Health Division staff identified modifications needed to effectively administer the program, including clarification on who is authorized to perform the inspections and prepare reports; exceptions from the pumping, inspection and reporting requirements where these tasks have been recently performed; provisions for the Environmental Health Division to evaluate the inspection reports and permit records and report on the status of the on-site sewage system.
4. The program modifications should be adopted and the effective date of the program should be changed to September 1, 2010 to allow the Environmental Health Division to develop all needed forms and program elements before the implementation date.
5. The OSS Time of Transfer Fee must be increased to cover the additional cost of evaluating the records and issuing reports to the applicant, and a resubmission fee should be established for applications that require additional evaluation.
6. Other amendments to Article IV, Section 16 will clarify and improve the on-site sewage system operation and maintenance program.
7. The Board of Health is authorized to adopt these amendments pursuant to Chapter 70.05 RCW and Washington State Constitution Article XI, Section 11 to preserve, promote and protect the public health by limiting the discharge of pollutants and protecting ground and surface water.
8. The Board of Health is authorized to establish fees pursuant to Ch. 70.05 RCW, and has determined that it is necessary to amend the Sanitary Code fee schedule to adopt fees that accurately reflect the cost of providing services.

NOW, THEREFORE, THE THURSTON COUNTY BOARD OF HEALTH HEREBY ORDAINS AS FOLLOWS:

Section 1. Article I, Appendix A, Section IV, Part 1(C)(10) of the Sanitary Code for Thurston County is amended to read as follows:

- 10. OSS Time of Transfer Program
 - a. OSS Time of Transfer Fee..... ~~\$50.00~~ \$170.00.
 - b. OSS Time of Transfer Resubmission Fee \$60.00

Section 2: Article IV, Section 16 of the Sanitary Code for Thurston County is amended to read as set forth in Attachment A which is attached hereto and incorporated herein by this reference.

Section 3. This ordinance shall take effect immediately upon adoption.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, in whole or in part, for any reason, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

ADOPTED: _____

ATTEST:

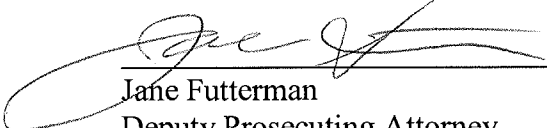
BOARD OF HEALTH
Thurston County, Washington

Clerk of the Board

Karen Valenzuela, Chairman

APPROVED AS TO FORM:
EDWARD G. HOLM
PROSECUTING ATTORNEY

Cathy Wolfe, Vice-chair Member



Jane Futterman
Deputy Prosecuting Attorney

Sandra Romero, Member

SECTION 16 OPERATION AND MAINTENANCE.

16.1 Every OSS owner is responsible for properly operating, maintaining and monitoring their OSS in compliance with this Article, RS&G's, and the conditions of their Operational Certificate when one is required. At a minimum every OSS owner shall:

16.1.1 Have a complete inspection of all OSS components performed, by an individual qualified to determine function, maintenance needs, and compliance with regulations and permits according to the following requirements:

16.1.1.1 For OSS consisting solely of a sewage tank and gravity SSAS, except food establishments regulated by Article II of this Code, the inspection shall be done once every three (3) years. The inspection is required to be performed by an individual certified by the Health Officer or by an OSS professional, designer or Registered Sanitarian, except, when an Operational Certificate is NOT required, the inspection may be performed by the owner if qualified as set forth in policies adopted by the Health Officer.

16.1.1.2 For all other OSS, the inspection shall be done annually, unless more frequent inspections are specified in an Operational Certificate. Inspections for renewal of an Operational Certificate must be performed by an individual certified by the Health Officer or an OSS professional, designer or Registered Sanitarian. Annual inspections on non-renewal years and inspections of systems that do not require an Operational Certificate may be performed by the owner, if qualified as set forth in policies adopted by the Health Officer, or by an individual certified by the Health Officer, or by an OSS professional, designer or Registered Sanitarian.

16.1.2 Employ a certified pumper to remove the septage from the sewage tank, pump chamber, and other sewage tanks when the level of solids and/or scum indicates that removal is necessary, and ensure that a copy of the pumper's report is submitted to the Health Officer.

- 16.1.3 Ensure that any maintenance needs identified as a result of the inspection or required by an Operational Certificate are completed and OSS deficiencies corrected promptly and in compliance with this Article.
- 16.1.4 Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality.
- 16.1.5 Protect the OSS area and the reserve area from:
 - 16.1.5.1 Cover by structures or impervious material;
 - 16.1.5.2 Surface drainage and direct drains, such as footing or roof drains, to ensure that drainage is directed away from the area where the OSS is located;
 - 16.1.5.3 Soil compaction, for example by vehicular traffic or livestock; and
 - 16.1.5.4 Damage by soil removal and grade alteration.
- 16.1.6 Operate and maintain the OSS as directed by the Health Officer and meet any conditions specified in the approval of the OSS.
- 16.1.7 Ensure that inspection and maintenance reports required for Operational Certificate renewal are submitted to the Health Officer.
- 16.1.8 Report to the Health Officer, upon occurrence of an OSS failure or suspected OSS failure, and promptly take appropriate action to correct the failure.
- 16.2 Persons shall not:
 - 16.2.1 Use or introduce strong bases, acids, chlorinated organic solvents, or other hazardous substances into an OSS for the purpose of OSS cleaning, or for any other purpose; or
 - 16.2.2 Use an OSS additive unless it is specifically approved by the Washington State Department of Health; or
 - 16.2.3 Use an OSS to dispose of waste atypical of residential sewage.
- 16.3 The Health Officer shall:

- 16.3.1 Establish required conditions for inspections, maintenance, monitoring, sampling, reporting, and OSS use and protection to assure proper on-going operation and maintenance for all OSS. The conditions will vary depending on the type of OSS, the location of the OSS, population or facility(ies) served, the sensitivity of the site, and applicable RS&G's.
- 16.3.2 Provide educational opportunities to assist the OSS owner in understanding their OSS and how to comply with the requirements of this Article.
- 16.3.3 Establish a program to notify OSS owners when to perform required and recommended OSS inspections and maintenance.
- 16.3.4 Establish and maintain a data base of OSS within Thurston County. The data base shall include the following: parcel number, site address, name of owner, OSS type, site specific information, inspection, operation, maintenance, monitoring and repair history, and any other information determined to be appropriate by the Health Officer.
- 16.3.5 Establish a program to monitor the cumulative effects of OSS on the quality of the ground water and surface water resources of Thurston County.
- 16.3.6 Adopt policies establishing the qualifications and training required of individuals authorized to perform inspections, monitoring and maintenance of OSS. These requirements shall be supplemental to the requirements set forth section 23 regarding OSS professionals.
- 16.3.7 Review property transfer inspection reports required by section 16.8 and report to the applicant regarding the status of the OSS.

16.4 The Health Officer may require a renewable Operational Certificate for any OSS in order to establish conditions for proper maintenance and operation of the OSS to avoid OSS failure and to prevent the OSS from posing a threat to public health. The Operational Certificate shall be required as long as there is an OSS present unless the Health Officer determines that an Operational Certificate is no longer required for the OSS. When an Operational Certificate is required, the Health Officer shall:

- 16.4.1 Establish conditions within the Operational Certificate which must be met for continued use of the OSS. The conditions shall include operating and maintenance conditions, inspection, monitoring, and sampling conditions, and reporting schedules and methods.

The conditions may include a requirement to connect to a public sewer system within a specific time frame in accordance with section 6 of this Article.

- 16.4.2 Establish Operational Certificate renewal frequencies and send renewal notices to the OSS owners when Operational Certificate renewals are due.
 - 16.4.3 Charge fees for performing these activities as per Appendix A of Article I.
 - 16.4.4 Renew Operational Certificates once all conditions of the certificate have been fulfilled and fees for renewal have been paid.
 - 16.4.5 Change conditions in the Operational Certificate as appropriate as a result of changes to the OSS or its use. For example, conditions could be changed due to OSS modifications, repairs, or use.
 - 16.4.6 Withhold issuance of an Operational Certificate on any OSS that is in failure.
 - 16.4.7 Withhold approvals for permits, or recommend denial of permits or approvals for future property development or land use projects, if a required Operational Certificate has not been obtained or renewed, or the OSS is non-conforming.
 - 16.4.8 Require annual Operational Certificate inspections of OSS serving food establishments, and require pumping as needed.
 - 16.4.9 Establish appropriate operation and maintenance requirements for OSS in areas posing increased public health risk and areas of special concern in accordance with section 22 of this Article.
- 16.5 Renewable Operational Certificates are required for the following categories of OSS:
- 16.5.1 Experimental OSS or OSS for which there is a proprietary product development permit;
 - 16.5.2 COSS;
 - 16.5.3 LOSS, except when regulated by Washington State Department of Health;
 - 16.5.4 OSS serving food establishments regulated by Article II of this

Code;

16.5.5 OSS in areas of special concern and areas of increased public health risk established in accordance with section 22 following the requirements adopted by the Board of Health; and

16.5.6 OSS that include any of the following components or methods of treatment or dispersal:

16.5.6.1 A Category I or II proprietary treatment product that is, or was, registered for use per Chapter 246-272A WAC;

16.5.6.2 Disinfection unit or method;

16.5.6.3 Drip line distribution product;

16.5.6.4 Recirculating gravel filter;

16.5.6.5 Holding Tank;

16.5.6.6 Mound;

16.5.6.7 Intermittent Sand filter;

16.5.6.8 Stratified Sand Filter;

16.5.6.9 Remediation technology permitted by the Health Officer;

and

16.5.6.10 Where soil loading rates are increased under section 11.5.5.15; and

16.5.6.11 Other OSS as determined by the Health Officer.

16.6 Every owner of any of the following types of OSS shall maintain a service contract with a certified monitoring specialist to perform the inspections, maintenance, sampling and monitoring as required in the Operational Certificate, the manufacturer's service manual, and the RS&G's:

16.6.1 LOSS, except when regulated by Washington State Department of Health;

16.6.2 COSS that have three or more residential connections OR a

design flow of greater than 1000 gpd EXCEPT COSS consisting solely of one or more sewage tanks and gravity SSAS;

16.6.3 OSS that include, as a component of the system:

16.6.3.1 A Category I or II proprietary treatment product that is, or was, registered for use per Chapter 246-272A WAC, except a Glendon BioFilter;

16.6.3.2 Drip line distribution products; or

16.6.3.3 Recirculating gravel filters;

16.6.4 OSS that include disinfection units; and

16.6.5 Other OSS, when required by the Health Officer as a condition of an Operational Certificate.

16.7 The owner of an OSS which is required to have an Operational Certificate is responsible for complying with the conditions in the Operational Certificate and for renewing the Operational Certificate at the required frequency. Failure to comply with required conditions in an Operational Certificate or to renew the Operational Certificate at the required frequency is a violation of this Article.

16.7.1 If an OSS has been classified as non-conforming because of failure to maintain a valid Operational Certificate, the OSS may be reinstated as a conforming OSS only after all of the following conditions have been met:

16.7.1.1 The sewage tanks have been pumped and a report has been submitted to the Health Officer by a pumper;

16.7.1.2 An inspection of the OSS has been conducted by the Department to verify the status of the OSS and confirm that it is not in failure;

16.7.1.3 All past renewal fees and the inspection fee have been paid; and

16.7.1.4 All other applicable requirements of the expired Operational Certificate have been satisfied.

16.8 Prior to the time of any property transfer that occurs after September 1, 2010, the owner is required to have the OSS inspected by an OSS

professional, designer or Registered Sanitarian. The inspection shall include the preparation of an inspection report and, if an as-built or record drawing is not on file with the Health Officer, a sketch of the OSS. A property transfer includes sale or conveyance by the owner, but does not include a foreclosure, sheriff's sale, court-ordered transfer, gift, inheritance or devise.

~~16.8~~ ~~Prior to the time of property transfer that occurs after June 1, 2010, the OSS is required to be inspected by an OSS professional, designer or Registered Sanitarian. If the entire OSS is not under single ownership, prior to the time of property transfer, all components serving the property being transferred are required to be inspected. The inspection shall include the preparation of an inspection report and, if an as-built or record drawing is not on file with the Health Officer, a sketch of the OSS. A property transfer includes sale or conveyance by the owner, but does not include a foreclosure, sheriff's sale, court-ordered transfer, gift, inheritance or devise.~~

~~16.8.1~~ 16.8.1 The OSS inspection shall:

16.8.1.1 Include an evaluation of all OSS components serving the property being transferred, even if they are on a separate legal lot or on property owned by others;

16.8.1.2 Include pumping of all sewage tanks, unless they were pumped and inspected within 12 months prior to the date the property transfer application was submitted, a pumping inspection report was submitted to the Department, and all components were functioning properly at the time of the inspection; and,

16.8.1.3 Be conducted by a certified monitoring specialist for any OSS type listed under section 16.6.

16.8.2 The OSS inspection report shall:

~~16.8.1.1~~ 16.8.2.1 Be signed by the OSS professional, designer or Registered Sanitarian who conducted the inspection;

~~16.8.1.2~~ 16.8.2.2 Be submitted on a form approved by the Health Officer and fully report on all elements included on the form;

~~16.8.1.3~~ 16.8.2.3 Include a sketch of the OSS on a form approved by the Health Officer including all features

required on the form, if as-built or record drawings are not on file with the Department;

~~16.8.1.4~~ 16.8.2.4 Be filed with the Health Officer and a copy provided to the person to whom the property is sold or transferred; and,

16.8.2.4.1 Not be required for an OSS with a current operational certificate when the OSS was inspected and all sewage tanks were pumped within 12 months prior to the date of the property transfer, the inspection and pumping reports were submitted to the Department, and all components were functioning properly at the time of inspection.

16.8.3 The Health Officer shall review the property transfer inspection reports and report to the applicant regarding the status of the OSS.

~~16.8.1~~ ~~The inspection report shall state the condition of all components, including solids and liquid levels within the sewage tanks, the condition of the sewage tanks and baffles, obvious signs of failure (such as surfacing sewage), sewage flowing back into a sewage tank after pumping, and any other information required by the Health Officer.~~

~~16.8.2~~ ~~Any OSS deficiencies identified during the inspection must be corrected promptly to be in compliance with this article.~~

~~16.8.3~~ ~~The sketch of the OSS shall include the location of each component of the OSS indicating distance of the sewage tanks from structures, the location of each component of the OSS, and the location and size of the dispersal component, as best as can be determined.~~

~~16.8.4~~ ~~A copy of the inspection report(s) for all OSS components serving the property being transferred shall be given to the buyer of the property and filed with the Health Officer accompanied by the applicable fee.~~

~~16.8.4~~⁵ An inspection report that meets the requirements of this section will remain valid for one (1) year unless any condition reported in the report or sketch is known by the owner or OSS

professional, designer or Registered Sanitarian who prepared it
~~or by the owner~~ to have materially changed.

16.8.5 Failure to comply with the requirements of section 16.8 will result in the OSS being classified as non-conforming and shall be a violation of section 4.6. If an OSS has been classified as non-conforming because of failure to satisfy the property transfer requirements, the OSS may be reinstated as a conforming OSS only after all requirements of section 16.8 are satisfied.

~~16.8.6 If the OSS is a previously unknown OSS, the inspection report and sketch will not satisfy the requirements for building permit review unless the sketch meets the specific requirements of the building permit review process.~~