

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE amending Article IV of the Sanitary Code for Thurston County.

WHEREAS, the Board of Health adopts the following findings:

1. Pursuant to Chapter 70.05 RCW and Washington State Constitution Article XI, Section 11, the Board of Health has the power to enact rules and regulations as are necessary to preserve, promote and improve the public health.
2. Henderson Inlet is an important shellfish growing area in Thurston County.
3. On September 12, 2017, the Board of Thurston County Commissioners approved Ordinance No. 15514 fixing rates and charges to fund an on-site sewage operation and maintenance program in the Henderson Inlet Shellfish Protection District through December 31, 2027.
4. The Henderson Inlet operation and maintenance program applies in the Henderson Watershed Protection Area established as a marine recovery area and area of special concern established in Article IV of the Sanitary Code for Thurston County.
5. Article IV of the Sanitary Code for Thurston County should be amended to be consistent with the Henderson Inlet Shellfish Protection District work program and designation of the Henderson Watershed Protection Area should be extended through December 31, 2027.
6. In order to effectively focus operation and maintenance program resources, the frequency for dye test evaluations of high risk on-site sewage systems in the watershed protection areas be reduced to every nine years after the first dye test, and for all operational certificates on on-site sewage systems where a required certificate has not been maintained, inspections should be conducted only where the Health Officer determines the system should be inspected to verify its status or confirm it is not in failure.
7. The amendments will enable Thurston County to better preserve, promote and protect the public health.

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

Section 1. Article IV, Section 16.7.1 of the Sanitary Code for Thurston County amended to read as follows:

- 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 an inspection 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~~2~~ All past renewal fees ~~and the inspection fee~~ have been paid; and

16.7.1.4~~3~~ All other applicable requirements of the expired Operational Certificate have been satisfied.

An inspection of the OSS by the Health Officer may be required to verify the status of the OSS and confirm that it is not in failure.

Section 2. Article IV, Section 22.4 of the Sanitary Code for Thurston County amended to read as follows:

22.4 The Henderson Watershed Protection Area is designated as a marine recovery area and an area of special concern as set forth in Appendix A. The Henderson Watershed Protection Area, and all requirements for the Area set forth in this Article, as may be hereafter amended, shall terminate on December 31, ~~2017~~ 2027 unless re-enacted by the Board of Health.

Section 3. Article IV, Appendix A, Section 4(c) of the Sanitary Code for Thurston County amended to read as follows:

**(c) Dye Test Evaluations**

For High Risk OSS, a dye test evaluation shall be required as a condition of the Operational Certificate to determine whether or not the OSS is failing. Dye test evaluations shall be required to be performed ~~every other renewal cycle for the Operational Certificate as follows:~~

Beginning December 1, 2017, after the initial dye test evaluation, the frequency of subsequent evaluations will transition from six years to nine years. The health officer will establish a schedule that phases in the decreased testing frequency over the course of six years, with some OSS tested six years from the last test, and some OSS deferred for up to nine years from the last dye test evaluation.

Dye test evaluations shall be conducted in accordance with policies and procedures adopted by the Health Officer.

Dye test evaluations may be performed only by authorized Department staff or other persons approved by the Health Officer as having the necessary training and expertise. The Health Officer shall establish minimum qualifications for individuals to be approved to perform dye test evaluations. Before starting a dye test evaluation, private evaluators shall submit a dye test plan to the Health Officer for approval. Failure to follow adopted procedures will result in withdrawal of approval to perform these evaluations.

Section 4. This ordinance shall take effect immediately upon adoption.

Section 5. 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

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Clerk of the Board

\_\_\_\_\_  
Chair

APPROVED AS TO FORM:  
JON TUNHEIM  
PROSECUTING ATTORNEY

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Vice-chair

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Jane Futterman  
Sr. Deputy Prosecuting Attorney

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Commissioner