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PUBLIC HEALTH AND SOCIAL SERVICES DEPARTMENT

Article IV

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ARTICLE IV

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH

GOVERNING TREATMENT AND DISPERSAL OF SEWAGE

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ARTICLE IV

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH GOVERNING TREATMENT, DISPERSAL OF SEWAGE

SECTION 1 - PURPOSE AND AUTHORITY (246-272A-0001)

- A. The purpose of this Article is to protect public health by:
1. Achieving long-term sewage treatment, and effluent dispersal; and
 2. Minimizing adverse effects to public health that discharges from on-site sewage system (OSS) may have on ground and surface waters; and
 3. Protecting waters of the state; and
 4. Setting conditions for the withdrawal or revocation of approvals, for the cessation of use of OSS and for the elimination of health hazards; and
 5. Setting conditions of project approval for integration with other water quality, land use, and wastewater management plans.
- B. This article establishes minimum requirements governing the treatment and dispersal of sewage, and the regulation of OSS and On-site Sewage Professionals.
- C. The local Board of Health does hereby adopt as minimum requirements the rules and regulations set forth in Chapter 246-272A WAC, as may be hereafter amended, are adopted and incorporated herein by reference. Where the provisions of Chapter 246-272A WAC and this Article conflict, the more stringent regulation shall apply.

SECTION 2 – ADMINISTRATION (246-272A-0005)

- A. The Health Officer shall administer this Article under the authority and requirements of chapters 70.05, 70A.105, and 70.A.110 RCW and chapter 246-272A WAC, as now written or as they may be hereafter amended or replaced. This article supplements these statutes and rules.
- B. The following are adopted in their entirety, as currently written or hereafter amended: Washington State Department of Health, Department Standards and Guidance (DS&G), List of Registered On-site Treatment and Distribution Products, List of Registered Sewage Tanks, and Thurston County On-site Sewage System Construction Manual. In the event of any conflicting provision, the provisions shall apply in the following order of precedence: (1) this Article, (2) the Thurston County On-site Sewage System Construction Manual, and (3) the DS&G's.
- C. Under RCW 70.05.060(7), fees may be charged for this administration.

SECTION 3 – DEFINITIONS (246-272A-0010)

As used in this Article, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise. These definitions supplement those contained in WAC 246-272A-0010, and in the event of a conflict, the more stringent definition shall apply.

"Addition" means any proposed building activity that will not increase sewage flows but will result in an increase in the square footage of:

1. Living space (other than number of bedrooms) outside the envelope (the exterior shell) of the structure's existing living space for residential structures. This includes the construction of a garage or outbuildings on a parcel containing a residential structure.
2. The structure outside the envelope (the exterior shell) of the existing structure for non-residential structures.

"Alternative system" means an OSS other than a conventional gravity OSS or conventional pressure distribution.

"Area of special concern" means an area of definite boundaries delineated through public process, where the Board of Health, or Washington State Department of Health in consultation with the Health Officer, determines additional requirements for OSS may be necessary to reduce potential failures, or minimize negative impacts of OSS upon public health.

"Board of Health" means the Thurston County Board of Health established pursuant to RCW 70.05.030.

"Certified Monitoring specialist" (identified as maintenance service provider in Chapter 246-272A WAC) means an OSS professional who performs monitoring and maintenance on OSS as specified in section 22.

"Common point" means any interconnection of sewerage piping systems whether inside or outside of a building or structure.

"Community On-site Sewage System (COSS)" means any OSS:

1. Designed to serve more than two residential units; or
2. With a design flow, at any common point, more than one thousand (1,000) gallons per day and less than or equal to three thousand five hundred (3,500) gallons per day; or
3. Within the city limits of Lacey, Olympia or Tumwater or their Urban Growth Areas with a design flow, at any common point, more than six hundred (600) gallons per day and less than or equal to three thousand five hundred (3,500) gallons per day.

"Conforming system" means any OSS, except an experimental OSS, that is in full conformance with an Operational Certificate, where required, and meets any of the following criteria:

1. The OSS is in full compliance with all requirements for new construction as specified in this Article, including the provision of a reserve area; or

2. The OSS is an existing OSS approved, installed, and operated under a previous edition of this Article; or
3. The OSS is a repair OSS that was permitted to meet the requirements of this Article to the maximum extent permitted by the site; or
4. The OSS or repair was permitted through the waiver process; or
5. The OSS was in existence prior to 1979, is not in failure, and its use is consistent with its size and design.

"Covenant" means an agreement recorded with the Thurston County Auditor stating certain activities and/or practices are required or prohibited.

"Certified Sewage Site Plan (CSSP)" means a site plan prepared by a licensed sewage system designer or professional engineer to inventory and detail the location and capacity of an existing on-site sewage system installed prior to 1979 with no on-site sewage system permit records.

"Department" means the Thurston County Public Health and Social Services Department.

"Design" means a detailed OSS plan developed in accordance with this Article, Chapter 246-272A WAC, and the DS&G's.

"Dispersal component" means a subsurface absorption system (SSAS) or other soil absorption system receiving sewage tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an OSS.

"Down-gradient" means the direction, toward an object, of liquid flow on the surface of the ground or upon encountering a water table or a restrictive layer.

"Drain field " see subsurface soil absorption system (SSAS) and soil dispersal component.

"Easement" A signed, notarized, and recorded document granted by a property owner to specifically named parties for access and the use of land to construct and maintain on-site sewage system components.

"Engineer" means a professional engineer as set forth in chapter 18.43 RCW.

"Experimental system" means any alternative OSS that was installed under previous versions of this Article:

1. Without design guidelines developed by the Washington State Department of Health; or
2. A proprietary device or method, which had not yet been evaluated and approved by the Washington State Department of Health.

"Failure" means a condition of an OSS or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

1. Sewage on the surface of the ground;
2. Sewage discharged directly to surface water or upon the surface of the ground unless the discharge is under permit from the Washington State Department of Ecology. This does not apply to septage or sewage sludge handled under a valid permit issued in accordance with Article V, of the Sanitary Code;
3. Sewage backing up into a structure caused by slow soil absorption of sewage tank effluent;
4. Sewage leaking from a sewage tank or collection system;
5. Inadequately treated effluent contaminating ground water or surface water. This may be demonstrated upon testing by currently adopted dye test procedures, where the following occur: (1) positive dye test results and (2) a E.coli or fecal coliform bacteria sample result of at least 200 organisms per 100 milliliters or above established background concentrations collected within six months of the dye test and collected at the same location as the dye-positive site;
6. Surface or ground water intrusion into a sewage tank or collection system;
7. Cesspool or seepage pit where evidence of ground or surface water quality degradation exists;
8. Metal sewage tanks that have any rusted through, perforated or damaged parts;
9. Noncompliance with standards stipulated on the permit or design.

"Gravity system" means an OSS consisting of a sewage tank and a subsurface soil absorption system with gravity distribution of the effluent.

"Guest residence" means a residence or room(s) in an accessory structure added to a lot with an existing legal residence for the purpose of serving guests. A guest residence is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units. No kitchens shall be allowed in guest residences.

"Health Officer" means the Thurston County Health Officer, or a representative authorized by and under the direct supervision of the Health Officer, as defined in chapter 70.05 RCW.

"Installation firm" means a firm certified by the Health Officer to install, modify, inspect, or repair an OSS or any of its components in accordance with the provisions contained in this Article.

"Installer" means a person certified by the local health officer to install, modify, inspect, or repair OSS as specified in section 22.

"Maintenance" means the actions necessary to keep the OSS components functioning as designed included but not limited to: changing UV lightbulbs, replacing pump floats and wiring, repairing cracks in non-leaking tanks, or jetting.

"Management Plan" means the Thurston County On-site Sewage System Management Plan adopted pursuant to WAC 246-272A-0015.

"Marine recovery area" means an area of definite boundaries where the health officer or board of health has determined that additional requirements for existing on-site sewage disposal systems may be necessary to reduce potential failing systems or minimize negative impacts of on-site sewage disposal systems.

"Non-conforming system" means an OSS which is:

1. Not in compliance with the conditions specified on the approved On-site Sewage System Application, approved permit, approved design, or accepted record drawing (as-built); or
2. Not being operated consistent with its size and design; or
3. Not in compliance with an Operational Certificate where one is required; or
4. Failing, or
5. Not in conformance with Section 16

"Notice to Protect On-site Sewage System" means a signed, notarized and recorded document granted by a property owner to the general public to protect the land area of the sewage system and reserve area located on a separate parcel under common ownership.

"On-site sewage system (OSS)" means an integrated system of components, located on or nearby the property it serves, which conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment component sequence, and a soil dispersal component. An OSS also refers to a holding tank sewage system or other system that does not have a soil dispersal component. The term "on-site sewage system (OSS)" does not include any system regulated by a water quality discharge permit issued under chapter 90.48 RCW.

"On-site Sewage System Application (OSSA)" means an application, including a site plan and design, by which the Health Officer shall evaluate and may approve or disapprove a particular lot or tract of land for the installation or repair of an OSS.

"On-site Sewage System Permit (OSSP)" means a permit issued by the Health Officer after reviewing and concluding an On-site Sewage System Application meets all the requirements of this Article. This permit grants authority to the permit holder to install an OSS in accordance with the approved design.

"On-site Sewage System Construction Manual" means the written minimum standards and recommendations for the construction of OSS as updated from time to time by the Health Officer.

"Operational Certificate" means a certificate issued for a specified period by the Health Officer for the operation and/or use of an OSS as specified in Section 16. The Operational Certificate shall contain conditions for the operation, maintenance, sampling and monitoring of the subject OSS.

"OSS firm" means a person certified by the Health Officer under Section 22 to perform specified work on OSS.

"OSS professional" means an individual certified by the Health Officer under Section 22 to perform specified work on OSS in accordance with his or her certificate, or the designated representative of the Health Officer.

"Pumping firm" means an OSS firm certified by the Health Officer to remove and transport sewage or septage.

"Shall" means mandatory.

"Site Plan" means a to-scale drawing of a residential or non-residential development. This drawing includes all plan detail relating to property access; drinking water and OSS components; designated building envelopes; setbacks; zoning, critical areas, and other planning issues; and other pertinent aspects.

"SSAS" means **subsurface soil absorption system** that is a soil dispersal component of trenches three feet or less in width or beds between three and ten feet in width, containing either a distribution pipe within a layer of drain rock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in suitable soil, with either gravity or pressure distribution of the treatment component effluent, for the purpose of receiving effluent and transmitting it into the soil.

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

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

"Up-gradient" means the direction, away from an object, of liquid flow on the surface of the ground or upon encountering a water table or a restrictive layer.

SECTION 4 - APPLICABILITY AND GENERAL REQUIREMENTS (246-272A-0007)

A. The Health Officer:

1. Shall apply this Article to OSS treating sewage and dispersing or disposing of effluent from residential sewage sources;
 2. Shall apply this Article to OSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sewage.
 3. Shall not apply the location and design requirements in this Article to any conforming OSS existing as of the effective date of this Article, except when one of the following is proposed:
 - a. A repair or replacement - requirements in section 17 must be met; or
 - b. An expansion, new construction standards as defined in this Article must be met; or
 - c. An addition - must be served by a conforming OSS and the addition shall not reduce the potential for a repair to the OSS should it fail in the future.
 4. Shall apply the provisions of this Article in a manner consistent with sewerage, water quality and waste management plans within Thurston County.
 5. Shall require OSS to be abandoned and connection to sewer in accordance with section 6.
 6. Shall charge the fees set forth in the fee schedule in Article I, Appendix A.
- B. Certified Sewage Site Plans (CSSP) shall be required prior to utilizing an existing OSS for a new use or structure. The CSSP is a tool to confirm an existing OSS is conforming for land use or building permit applications and does not result in permit approval of the OSS.
- C. Preliminary plats specifying general methods of sewage treatment, OSS designs and locations approved prior to the effective date of this Article shall be acted upon in accordance with regulations in effect at the time of preliminary plat approval, for a maximum period of five years from the date of approval.
- D. The Washington State Department of Ecology has authority and approval over:
1. Domestic or industrial wastewater under chapter 173-240 WAC; and
 2. OSS using mechanical treatment, or lagoons, with ultimate design flows above 3,500 gallons per day.
- E. Where this Article conflicts with chapter 90.48 RCW, Water Pollution Control, the requirements of chapter 90.48 RCW shall apply.
- F. Every residence, place of business or other building where persons congregate, reside, or are employed, to which a public sewer system is not physically accessible or available, shall be provided with a water-flush toilet or approved alternative device and shall be connected to a conforming OSS which shall be operated and maintained in such a manner to meet the

requirements of this Article. Other places where persons congregate (and no building exists) shall be provided with adequate sewage facilities/devices as may be appropriate to protect the public health.

- G. Sewage from any OSS or any other source shall not be discharged to surface water, upon the surface of the ground, or managed in any manner so as to constitute a failure as defined by this Article. This requirement shall not apply to septage, or sewage treatment plant waste discharged in accordance with a permit from the Washington State Department of Ecology or a permit issued pursuant to Article V of the Sanitary Code.
- H. Refusal, failure, or neglect to comply with any notice or order of the Health Officer issued pursuant to this Article shall be considered a violation of this code.
- I. Whenever it is brought to the attention of the Health Officer that any unsanitary conditions exist or that any construction or work regulated by this Article is dangerous, unsafe, unsanitary, or a menace to life, health or property, or otherwise in violation of this Article, the Health Officer shall investigate and upon determining the information to be factual, shall order any person using or maintaining any such condition or responsible for the use thereof to repair, alter, change, remove or demolish the same as the Health Officer may consider necessary for the proper protection of life, health or property. The Health Officer may also require vacation of the premises until the violation or nuisance is abated or corrected. Any such order of the Health Officer shall be in writing, addressed to the owner, agent, or person responsible for the premises on which the condition exists and shall specify the date or time for compliance with such order.
- J. This Article does not apply to facilities regulated under chapter 90.46 RCW, Reclaimed Water Use.

SECTION 5 - OSS PRODUCTS AND TECHNOLOGIES (246-272A-0100—0145, 0170)

- A. The Health Officer:
 - 1. May require performance monitoring or sampling of any OSS in accordance with the DS&G or policies established by the Health Officer.
 - 2. Shall charge fees to cover the costs for monitoring OSS performance in accordance with Appendix A of Article I.
- B. OSSA and OSSP are required for the installation or use of a remediation technology and shall comply with the DS&G for Remediation Technologies and Processes for On-site Wastewater Treatment Systems. Prior to issuing a permit the septic designer shall identify potential factors that may have contributed to the deterioration of the OSS and how the factors will be mitigated.

SECTION 6 - CONNECTION TO PUBLIC SEWER SYSTEM (246-272A-0025)

- A. The Health Officer may require connection to public sewer when:

1. Authorized in WAC 246-272A-0025; or
 2. Any property served by an OSS shall be connected to a public sewer system when the public sewer system is available within 200 feet of the property line and the following conditions are met:
 - a. The public sewer system has the capacity to handle additional sewage; and
 - b. The public sewer lines are designed to accommodate the connection of building sewers; and
 - c. The connection is consistent with the Thurston County Sewerage General Plan and municipal comprehensive sewerage plans; and
 - d. Such connection is permitted by the sewer utility; and
 - e. The Health Officer determines the connection is necessary to protect surface water, ground water, or otherwise protect public health. This determination of necessity will be based on aquifer vulnerability, water quality correction and water contamination prevention information.
- B. The Board of Health may require the abandonment of OSS and connection to public sewer systems where the following conditions exist:
1. The area is within an incorporated city, its urban growth area, or a public sewer system service area; and
 2. The public sewer system has the capacity, and the connection is permitted by the sewer utility; and
 3. A groundwater or surface water pollution problem has been confirmed in excess of state or federal water quality limits or adopted county action levels; the pollutant of concern is associated with OSS; and the area is within the aquifer recharge area or the surface water drainage basin where the water quality problem exists; and
 4. The Health Officer determines the OSS are, more likely than not, significant contributors to the pollutant level based on the density, design or condition of the OSS and/or the geology where the OSS are located.
 5. Where the above criteria are met and the Board of Health determines that connection to sewer is necessary to protect water quality, the Health Officer shall issue an order to the owners of properties served by OSS in the affected area to connect to sewer or abandon the existing OSS. The Health Officer shall establish a reasonable schedule for compliance. The Health Officer shall make a request to the Board of Health to impose a moratorium on all new OSS within the affected area, in conjunction with the order to abandon the OSS and connect to public sewer. The Health Officer shall notify property owners of the order where OSS permits have been approved but have not yet been constructed.

- C. Upon connection of any building to a public sewer system, all sewage tanks shall immediately be abandoned in accordance with WAC 246-272A-0300.

SECTION 7 – LARGE ON-SITE SEWAGE SYSTEMS (LOSS)

- A. Any new on-site sewage systems proposed under common ownership, common effort, and/or common timing for a greater or overall project, totaling 3500 gallons or more of sewage per day shall be designed as a LOSS under the jurisdictional authority of Washington State Department of Health.

SECTION 8 – PERMIT REQUIREMENTS (246-272A-0200)

- A. Designs shall include drawings prepared by a certified installer, licensed designer, or engineer that are to scale, with dimensions indicated, using a scale of one (1) inch equals twenty (20) feet or one (1) inch equals thirty (30) feet for the design. Other scales may be used for depiction of large parcel dimensions. Accuracy in the design drawings shall be sufficient for review.
- B. A revision to a design or site plan shall not change the OSSP expiration date for any proposal, including a repair.
- C. Site Plans must include information required by other local agencies.
- D. Applications shall indicate that the drain field laterals or corners of other dispersal components are staked in the field for inspection and review.
- E. The Health Officer shall:
 - 1. Issue an OSSP when the information submitted under subsections 5.B and 8.A-8.C meets the requirements of this Article. A permit for a new or expanding development will not be issued if a violation of Article III of the Sanitary Code or chapter 246-290 WAC or chapter 246-291 WAC exists on the property.
 - 2. Charge fees for reviewing an OSSA and issuing an OSSP in accordance with the fee schedule contained in Appendix A of Article I.
 - 3. Specify the expiration date on the OSSA:
 - a. For any proposal other than a repair, a valid, unexpired OSSA shall expire two years after the date of application. A revision to a design or site plan shall not change the OSSA expiration date for any proposal, including a repair.
 - b. For a proposal other than a repair, a valid, unexpired OSSP shall expire three years after the date of the design approval. If a building permit is obtained during the three-year period of validity for the OSSP, the OSSP will be valid for five years or as long as the building permit is valid, whichever is greater, but in no case will exceed 5 years from the date of

permit issuance. A revision to a design or site plan will not change the OSSP expiration date including repairs.

- c. For a repair, the OSSA and OSSP shall expire one year after the date of application. An extension of one year may be authorized by the Health Officer.

F. The Health Officer will allow a temporary repair to be made on a failing OSS without a repair OSSA and OSSP on those days when the Health Officer's office is closed and when such repair is essential to the continued use of the OSS. In such a case the owner of the OSS shall submit an OSSA within five (5) working days after the temporary repair work has begun. Such repairs will be subject to any additional requirements necessary to assure the repair meets the provisions of this Article.

G. The Health Officer may revoke or deny an OSSA or OSSP for the installation of an OSS for due cause. Examples include, but are not limited to:

1. Exclusion, misrepresentation or concealment of material fact in information submitted to the Health Officer; or
2. Site conditions have changed since the designer and/or Health Officer reviewed the site; or
3. Failure to meet conditions of the approval or this Article, or
4. Construction or continued use of an OSS that threatens the public health.

H. An OSSA shall be submitted for abandonment, in accordance with WAC 246-272A-0300.

SECTION 9 – LOCATION (246-272A-0210)

A. Persons shall design and install OSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**TABLE I
Minimum Horizontal Separations**

Items requiring setback	From edge of dispersal component and reserve area	From sewage tank and distribution box	From building sewer, collection, and non-perforated distribution pipe or pressure line
Non-public well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well or suction line	100 ft.	100 ft.	100 ft.
Public drinking water spring or surface water measured from the ordinary	200 ft.	200 ft.	100 ft.

high-water mark			
Nonpublic drinking water Spring or surface water measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Nonpublic, in-ground, drinking water containment vessel ³	20 ft.	10 ft.	10 ft.
Pressurized water supply line or easement for water supply line	10 ft.	10 ft.	10 ft.
Closed geothermal loop ⁴ or pressurized non-potable water line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line, or driveway	5 ft.	5 ft.	N/A
Lined ⁵ stormwater detention pond ⁶			
Down-gradient ⁷	30 ft.	N/A	N/A
Up-gradient ⁷	10 ft.	N/A	N/A
Unlined ⁸ stormwater infiltration pond ⁶ (up or down-gradient) ⁷	100 ft.	50 ft.	10 ft.
Irrigation canal or irrigation pond (up or down-gradient)	100 ft.	50 ft.	10 ft.
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ²	30 ft.	5 ft.	N/A
Up-gradient ²	10 ft.	N/A	N/A
Subsurface stormwater infiltration or dispersion component ⁶			
Down-gradient ⁷	30 ft.	10 ft.	N/A
Up-gradient ⁷	30 ft.	10 ft.	N/A
Other site features that may allow effluent to surface:			
Down-gradient ²	30 ft.	5 ft.	N/A
Up-gradient ²	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed, soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

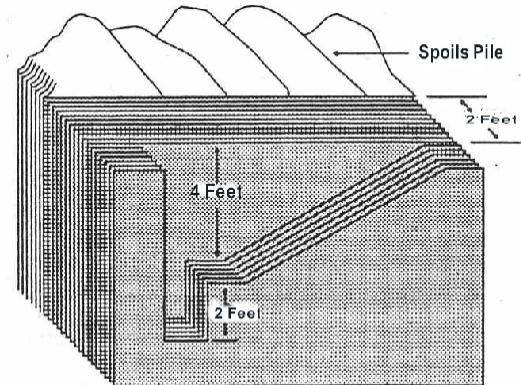
Soil dispersal components serving a separate OSS	10 ft.	N/A	N/A
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- 1 If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.
 - 2 The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.
 - 3 Any in-ground containment vessel used to store drinking water.
 - 4 A network of underground piping carrying fluid under pressure used to heat and cool a structure.
 - 5 Lined means any component that has the intended function of detaining the stormwater with no intention of dispersal into surrounding soil.
 - 6 OSS components take precedence in cases of horizontal setback conflicts between OSS and stormwater components.
 - 7 Down-gradient means that subsurface water flows toward and is usually located lower in elevation. Up-gradient subsurface water does not flow toward and generally flat or flows away from and generally located higher in elevation.
 - 8 Unlined means any component that has the ability to or intended function of infiltrating the stormwater.
- B. Prior to OSS permit approval, any wells within 100 horizontal feet of a dispersal component shall be decommissioned in accordance with Article III, unless the well is approved to remain in use by the Health Officer.
- C. No reduction of horizontal separation will be given between an OSS dispersal component and surface water, unless otherwise approved by the Health Officer.

SECTION 10 - SOIL AND SITE EVALUATION (246-272A-0220)

- A. To determine feasibility for the installation of an OSS an On-site Evaluation application shall be submitted on a form provided by the department. An On-site Evaluation is separate from an OSSA process and shall constitute neither a valid OSSA for purposes of future vesting nor permission from the Health Officer to install an OSS. Upon request and submission of a complete On-site Evaluation application the applicant must provide the following to the Health Officer:
1. A fee as specified in Appendix A of Article I.
 2. A site plan showing each lot's location and dimensions, and the location of two soil test pits in the proximity of the primary and one test pit in the reserve drain field areas that clearly represent the soil characteristics in those locations. Additional test pits may be required at the discretion of the Health Officer.
 3. Prepare access to the test pits by:
 - a. Identifying the site by posting a conspicuous sign at the site entrance along the public road.

- b. Providing a cleared and marked path through obstacles to all test pits.
- c. Numbering each test pit by a flagged stake or a painted stake.



Example of Soil Log Test Pit

B. For subdivisions, each lot must demonstrate a minimum of twenty-four (24) inches of original, undisturbed and unsaturated soil, existing above the maximum seasonal water table or any other restrictive layer, unless otherwise approved by the Health Officer. In order to decrease the depth, sufficient technical justification must be developed and submitted that will:

1. Allow installation of a conforming OSS;
2. Assure preservation of reserve areas for all proposed and existing OSS;
3. Assure proper treatment and dispersal of sewage;
4. Assure preservation of sufficient area and soil depth in proposed drain field and reserve areas, as well as areas immediately downslope, when the OSS is ready to be installed; and
5. Assure adverse public health effects from the accumulation of contaminants in surface and ground water will be minimized.

C. When determining high-water table conditions the Health Officer:

1. Shall require a wet season study for all sites with 18 inches or less of soil above a restrictive layer due to a high-water table, unless waived by the Department. The Health Officer shall render a decision within 12 months of receiving an application if precipitation conditions are typical for the region or when adequate precipitation conditions or hydrogeologic data has been evaluated to determine the height of the high-water table when such study has been required or requested in accordance with policies and procedures adopted by the Health Officer.

2. May accept a technical justification report from a soil scientist or hydrogeologist with site-specific data along with a designer's assessment for review in lieu of a wet season study of water table measurements. To be accepted, the report shall present evidence that substantiates soil and site suitability for sewage treatment and must include analysis of the following to establish the suitability of the soils and site for an OSS:
 - a. Soil logs in the area of the proposed dispersal component, located in accordance with section 10.A.2, including a complete description of the soil in accordance with WAC 246-272A-0220.
 - b. Soil absorption characteristics for soils within the soil profile.
 - c. Redoximorphic features for soils within the soil profile.
 - d. Soil loading rates for all soil textures within the soil profile.
 - e. A description of any soil compaction or expanding clays within the soil profile.
 - f. Any saturated soil conditions that appear to exist including restrictive layers and depths.
 - g. Any disturbed soil conditions that appear to exist including a description of the cause of the disturbance.
 - h. An evaluation of actual and anticipated water movement through the soil horizons that establishes the soil scientist's conclusion regarding whether or not presumption can be made that unsaturated sewage effluent flow will successfully be achieved.
 - i. An accompanying assessment from a designer, having the designer's signature and stamp, describing dispersal and subsurface treatment performance presumptions for the dispersal component proposed within the receiving soils that are analyzed in the soil scientist's report. The designer's assessment shall include the designer's result in a conclusion that effective vertical and horizontal separations are adequate so as to protect the ground water and surface water.
3. Any other soil and site information affecting location, design, or installation that the Health Officer determines is needed.

SECTION 11 – DESIGN (246-272A-0230--0238)

- A. OSS designs shall meet the requirements of the On-site Sewage System Construction Manual and the DS&G's as adopted by the Health Officer.
- B. OSS may only be designed by professional engineers licensed under chapter 18.43 RCW or OSS designers licensed under chapter 18.210 RCW.

C. The DS&G Document for Pressure Distribution systems requires electrical controls to follow all National Electrical Code rules which include elevating the pump control boxes two feet above the designated flood elevation.

D. The Health Officer shall require the following design criteria:

1. Sewage tanks shall be shown on the OSS design as having protection against ground water intrusion and surface water inflow in high ground water areas. One or more test pits may be required at the discretion of the Health Officer.
2. For non-residential facilities the design flows noted in the Thurston County On-site Wastewater System Construction Manual and/or United States Environmental Protection Agency, EPA-625/ R-00/008, February 2002 or later version, shall be used for the average flow unless otherwise determined by the Health Officer. The operating capacity is considered 0.75 (or 75%) of the design flow. Sewage flows from three like establishments, or other justification approved by the Health Officer, may be used in determining OSS design flows if they incorporate both an operating capacity and a surge capacity.
3. For non-residential development where a full set of water conservation methods for a facility can be documented, and where there is an adequate on-going guaranteed use of such methods, the Health Officer may permit a decreased flow with an associated decrease in soil dispersal component sizing.
4. Designers are required to include the operating capacity of the OSS as well as a statement that the owner is responsible for keeping the flow of sewage to the OSS at or below the operating capacity and sewage quality. To ensure this, timers shall be set to the operating capacity and reported on the Installer Construction Completion Form.

**Table II
Treatment Component of Performance Levels and Method of Distribution**

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A & BL1 – pressure with timed dosing	B & BL2 – pressure with timed dosing	B & BL2 – pressure with timed dosing
≥ 18 < 24	B & BL2 – pressure with timed dosing	C & BL3 – pressure with timed dosing	C & BL3 – pressure with timed dosing
≥ 24 < 36	B & BL2 – pressure with timed dosing	C & BL3 – pressure with	E – pressure with timed dosing

		timed dosing	
$\geq 36 < 60$	B & BL2 – pressure with timed dosing	E – pressure	E - gravity
≥ 60	C & BL2 – pressure	E – gravity	E - gravity

- 1 The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110
- 2 When an OSS is proposed to be installed in soil types 1 through 5 that are included in the list of Category I soil series in Chapter 24.10 of the Thurston County Code (Critical Areas Ordinance) pressure distribution is required at a minimum. Table VI in WAC 246-272A.

E. Sewage tanks shall:

1. Be on the DOH Registered List;
2. All tanks serving an Aerobic Treatment Unit (ATU) must be on the DOH registered List and approved for usage with the ATU product.
3. Require DOH approval for any modifications to the structure of a tank;
4. Be sized to accommodate three times the design flow and be a minimum of 1,000 gallons for OSS treating sewage from a residential source other than one single-family residence.

F. All soil dispersal components, except ones using a subsurface dripline product, shall be designed to meet the following requirements:

1. The infiltrative surface shall not be deeper than three feet below the finished grade. This does not preclude the use of deeper trenches that are designed per applicable DS&G's. The depth of such an OSS shall not exceed ten feet from the finished grade;
2. The spacing of trenches shall be a minimum of six feet center-to-center;
3. An initial unsettled layer of cover material of between twelve and twenty-four inches; and
4. Observation ports with caps shall be installed in each independent lateral of SSAS, in mounds, sand-lined trenches and beds, and in sand filters. The observation ports shall extend from the bottom of the gravel (also from the bottom of the sand in mounds and sand filters) to final grade and shall be adequately anchored. Observation ports shall be installed with non-perforated pipe in the gravel and sand portions of the trenches or mound or sand filter so that sewage is not allowed to bypass the treatment component. The portion of the observation ports in the gravel shall be slotted or perforated.

- G. All soil dispersal components shall be located on the property served or documentation including, but not limited to, an easement, notice to protect, covenant, contract, or other legal document authorizing access for construction, operation, maintenance, and repair must be submitted to the Department.
- H. The building sewer shall meet all standards of the On-site Sewage System Construction Manual.
- I. Designs shall facilitate operation, monitoring and maintenance. UV disinfection units shall have audible and visual alarms designed to alert a resident of a malfunction.

SECTION 12 - HOLDING TANK SEWAGE SYSTEMS (246-272A-0240)

- A. The Health Officer may approve installation of holding tank sewage systems only:
 - 1. For permanent uses limited to commercial situations that are parttime, controlled through other governmental permitting and/or licensing either of which is specifically conditioned on continued compliance with holding tank monitoring and maintenance performance requirements, and where a drain field cannot be installed; or
 - 2. For interim uses limited to handling of emergency situations or repairs as permitted under section 17.
 - 3. Installed below grade unless otherwise approved by the Health Officer.
- B. A person proposing to use a permanent hold tank shall:
 - 1. Submit a management program to the Health Officer assuring ongoing operations and maintenance before the Health Officer issues approval. Unless on-going management will be provided by a public entity, such as a city, county, or PUD, the owner of the holding tank shall demonstrate an adequate financial guarantee acceptable to the Health Officer. The value of the financial guarantee shall cover the cost for operating and maintaining the OSS for the proposed life of the OSS or a period of not less than 12 months.

SECTION 13 - INSTALLATION (246-272A-0250)

- A. No person shall install or cause to be installed a new OSS, nor perform any repair (except in accordance with Section 8.F and for a minor repair as defined in this Article), extension, or relocate an existing OSS without a valid permit issued by the Health Officer. All OSS shall be installed by a certified installer.
 - 1. The installer shall:
 - a. Follow the approved design including component specifications;

- b. Be on the site at all times during the excavation and construction of the OSS installation including backfilling;
- c. Cover the installation only after the requirements in section 14 have been met;
- d. Backfill the OSS only after obtaining approval from the Health Officer and the designer; and
- e. Assure that all OSS excavations and backfill are free from construction debris or any waste materials.

SECTION 14 – INSPECTION (246-272A-0260)

A. The Health Officer shall:

- 1. Inspect the OSS before cover, or require a designer to inspect and certify the OSS if:
 - a. The designer is not also the installer of the OSS; and
 - b. The OSS is considered by the Health Officer to be on a site that does not pose an increased public health risk
- 2. Conduct any pre-cover final inspection of an OSS within two (2) business days after the day of receiving notification from the installation firm that the OSS is ready for the Health Officer's inspection, unless waived by the Health Officer. The Health Officer shall conduct a sufficient number of final inspections to assure the integrity of the installation;
- 3. Notify the OSS installation firm if the final inspection reveals the installation is not per the approved design. Notification shall be given by leaving written notice at the site as well as by phoning or emailing the installation firm with the corrections needed;
- 4. Process the record drawings within 10 working days of receipt. Record drawings determined to be unacceptable will be returned to the designer within this same time period. Once the record drawing has been reviewed and accepted by the Department, the OSS shall be considered to have final construction approval;

B. The Designer shall inspect and certify all OSS installations prior to backfill.

C. The Health Officer may require additional inspections of OSS by designers as follows:

- 2. Prior to the installation of a designed OSS, the designer may be required to certify to the Health Officer that the OSS is installable as per the design;
- 3. For mound or sand filter OSS: inspections before sand placement, after sand placement, inspection of the installation prior to final cover, inspection of the final cover, and inspection of finished contour and landscaping;

4. For OSS where sand is used to line the bottom and sides of trenches or beds: inspection of the excavation, inspection of the sand in place before placement of any gravel, and inspection of the installation before final cover;
5. For OSS using pressure distribution an inspection and pump test after pump and distribution network installation is complete; and
6. Other OSS may require inspections to ensure proper installation.

D. Upon completion of the OSS installation, the installer shall:

1. Notify the Health Officer and the designer the OSS is ready for final inspection. The installation firm shall verify to the designer and the Health Officer that the installation is per the approved design, including any approved modifications. The installation firm shall be responsible for those installation actions that are not readily visible once the OSS has been installed and is ready for final inspection, including, but not limited to, trench or bed bottom grade and depth of sand.
2. Backfill the OSS only:
 - a. When the OSS has been inspected by the designer and the Health Officer.
 - i. The Health Officer may waive the Health Officer's inspection unless the OSS is on a site that poses an increased public health risk.
 - ii. After notifying the Health Officer that the OSS is ready for final inspection, the installer is required to wait two (2) additional business days to backfill the OSS unless the Health Officer instructs that backfilling may occur sooner.
 - iii. If the Health Officer has notified the installer that corrections are required prior to backfilling, the installer must re-notify the Health Officer in accordance with 14.D.1 after the corrections have been completed.

E. Unless the designer notifies both the Health Officer and property owner in writing that he/she is no longer working on the OSS project the designer shall:

1. Notify the OSS installer if the final inspection reveals the installation is not per the approved design. Notification shall be given by leaving written notice at the site as well as by phoning or emailing the installation firm with the corrections needed; and
2. Certify to the Health Officer that the OSS installation is per the approved design, including, but not limited to, verification of the plan dimensions and the location of the installation, the materials used, and any pressure testing.

SECTION 15 - RECORD DRAWING (246-272A-0265)

- A. The designer shall submit a complete, detailed, and to scale (not greater than one-inch equals 30 feet) “record drawing” (including reserve area location) to both the Health Officer and the OSS owner within thirty (30) calendar days of being notified the OSS installation is ready for final inspection. This thirty-day period may be extended upon the designer notifying the Health Officer. The designer of an OSS may be relieved of record drawing responsibility if the designer notifies both the Health Officer and the property owner that said designer is no longer working on the OSS project. All record drawings shall include, but not be limited to:
1. Pump size, pump model, monitoring port number, and locations and any valves including valve settings;
 2. A cross-section drawing of the dispersal component; and
 3. The well or other water source location, with a notation that the water source is located as shown on the approved design.
 4. For properties in a flood plain, control panel elevations are required for record drawing acceptance. The designer and property owner should work with the Thurston County Flood Plain Manager within the Community Planning and Economic Development Department, to ensure these requirements are met and the proper elevations are shown on the record drawing.
- B. Installation firms may complete record drawings for tank placements, component rebuilds, and when a designer was not involved with the project, to complete permit records.

SECTION 16 - OPERATION AND MAINTENANCE (246-272A-0270)

- A. Every OSS owner is responsible for properly operating, maintaining and monitoring their OSS in compliance with this Article, chapter 246-272A WAC, DS&Gs, Health Officer approval, the conditions of their permit, and Operational Certificate conditions. The OSS owner must ensure that all necessary repairs or replacement of OSS are completed in an expedient manner. On-site septic systems which contain a proprietary product may only be inspected by OSS professionals certified by the department.
- B. At a minimum every OSS owner shall:
1. Have a complete inspection of OSS components performed, by an OSS professional or person certified by the Health Officer to determine the functionality, maintenance needs, and compliance with regulations and permits according to the following requirements:
 - a. 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.

- b. For all other OSS, the inspection shall be done annually, unless more frequent inspections are specified in an Operational Certificate, by the manufacturer, or local Health Officer.
 - c. For OSS requiring a renewable Operational Certificate: For renewal years of the Operational Certificate the inspections are required to be performed by an OSS professional or an individual certified by the Health Officer as outlined in policies adopted by the Health Officer. On non-renewal years, the annual inspection may be performed by an OSS professional or individual certified by the Health Officer.
 - d. For OSS that do not require a renewable Operational Certificate, the inspections may be performed by an OSS professional or individual certified by the Health Officer.
 - e. The initial operation and maintenance inspection must be performed by an OSS professional, and thereafter an inspection must be performed by an OSS professional at least once every nine years.
2. Ensure that inspection and maintenance reports are submitted to the Health Officer, within 30 days following the inspection or maintenance activities on a form acceptable to the Health Officer.
 3. Report to the Health Officer, upon occurrence of an OSS failure or suspected OSS failure, and promptly take appropriate action to correct the failure.

C. Persons shall not:

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
2. Use an OSS additive unless it is specifically approved by the Washington State Department of Health; or
3. Use an OSS to dispose of waste atypical of residential sewage.

D. The Health Officer shall:

1. Implement required conditions for inspections, operation and maintenance, monitoring, sampling, reporting, 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 DS&G's.
2. Provide educational opportunities to assist the OSS owner in understanding their OSS and how to comply with the requirements of this Article.

3. Implement a program to notify OSS owners when to perform required and recommended OSS inspections and maintenance.
4. Maintain a database of OSS records within Thurston County that shall include the following: parcel number, site address, name of owner, OSS type, permit and design, site specific information, inspection, operation, maintenance, monitoring and repair history, and any other information determined to be appropriate by the Health Officer.
5. Implement a program to monitor the cumulative effects of OSS on the quality of the ground water and surface water resources of Thurston County.
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 22 regarding OSS professionals.
7. Review property transfer inspection reports required by section 16.M and 246-272A WAC and report to the applicant regarding the status of the OSS.

E. Required Renewable Operational Certificate:

1. The Health Officer may require a renewable Operational Certificate for any OSS in order to establish conditions for proper maintenance and operation.
2. The Operational Certificate will be in effect until the OSS is abandoned, or the Health Officer determines one is no longer required.
3. The Operational Certificate is required to avoid OSS failures and to prevent the OSS from posing a threat to public health.
4. When an Operational Certificate is required, the Health Officer shall:
 - a. Establish conditions within the Operational Certificate which must be met to continue use of the OSS. The conditions shall include operating and maintenance conditions, inspection, monitoring, and sampling conditions, renewal frequencies, and reporting schedules and methods. Conditions in the Operational Certificate may be modified to account for a change in its use or changes to the OSS. 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.
 - b. Establish Operational Certificate renewal frequencies and send renewal notices to the OSS owners when Operational Certificate renewals are due.
 - c. Renew Operational Certificates once all conditions of the certificate have been fulfilled and fees for renewal have been paid.

- d. Withhold issuance of an Operational Certificate on any OSS that is in failure.
 - e. Require annual Operational Certificate inspections of OSS serving food establishments and other facilities as determined by the Health Officer, and require pumping as needed.
 - f. Establish appropriate operation and maintenance requirements for OSS in areas posing increased public health risk, marine recovery areas, and areas of special concern in accordance with section 21 of this Article.
 - g. Establish appropriate operation and maintenance requirements for OSS in facilities such as mobile home parks, campgrounds, parks, and other such facilities posing increased public health risk.
5. Renewal fees shall be paid at the time of Operational Certificate renewal as per Appendix A of Article I.
- F. 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.
- 1. 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.
 - 2. 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 meeting the reinstatement requirements detailed in policy. 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.
- G. The Department requires the following operation, monitoring, and maintenance for food service and other establishments that pose an increased risk to public health due to high waste strength and/or density.
- 1. Annual operation and maintenance inspections of OSS serving establishments such as food service operations, adult family homes and any facilities as determined by the Health Officer.
 - 2. Review and approval of changes to the OSS if inspections or plan reviews document the potential for quality or quantity changes to the establishment's sewage flow. Establishments utilizing OSS shall submit information to the Department upon any change in menu or operation to determine if it will affect sewage quantity or quality.
 - 3. An evaluation by a designer for any changes determined by the Department to have a potentially deleterious effect on the OSS.

4. The establishment to repair or replace their OSS, in an expedient manner, if any problems are found.

H. The local Health Officer:

1. Shall determine a compliance schedule for food establishments not meeting the standards of this code or current state code.
2. Shall have cause to not renew a food permit for an existing food establishment which utilizes an OSS if mandated annual operation and maintenance inspection is not complete, or the OSS is determined to be inadequate by the Department.

I. Renewable Operational Certificates are required for the following categories of OSS:

1. Experimental OSS or OSS for which there is a proprietary product development permit;
2. COSS;
3. OSS serving food establishments regulated by Article II of this code;
4. OSS in marine recovery areas, areas of special concern, and areas of increased public health risk established in accordance with section 21 following the requirements adopted by the Board of Health; and
5. OSS that include any of the following components or methods of treatment or dispersal:
 - a. A Category I or II proprietary treatment product that is, or was, registered for use per Chapter 246-272A WAC;
 - b. Disinfection unit or method;
 - c. Drip line distribution product;
 - d. Recirculating gravel filter;
 - e. Holding Tank;
 - f. Mound;
 - g. Intermittent Sand filter;
 - h. Stratified Sand Filter;
 - i. Remediation technology permitted by the Health Officer;
 - j. Where soil loading rates are increased with sand-based media;
 - k. Where soil loading rates are increased using Table VIII column B;

1. Other OSS as determined by the Health Officer.
- J. Owners shall maintain a maintenance service contract with a certified monitoring specialist to perform the inspections, maintenance, sampling and monitoring if required in the Operational Certificate based on policies, the manufacturer's service manual, and the DS&Gs.
- K. Prior to the time of any property transfer, the owner is required to have the OSS inspected by an OSS professional certified to inspect the type of system. The inspection shall include the preparation of an inspection report.
1. The OSS inspection shall:
 - a. 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;
 - b. Occur within 12 months prior to the date the property transfer application is submitted, 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 (if applicable) and an O&M OSS inspection report were submitted to the Department, and all components were functioning properly at the time of the inspection; and,
 2. The OSS inspection report shall:
 - a. Be signed by the OSS professional who conducted the inspection;
 - b. Be submitted within 30 days following the inspection on a form approved by the Health Officer and fully report on all elements included on the form;
 - c. Include a sketch of the OSS on a form approved by the Health Officer including all items required on the form,
 - d. Be filed with the Health Officer and a copy provided to the person to whom the property is sold or transferred; and,
 3. The Health Officer shall review the property transfer inspection reports and report to the applicant regarding the status of the OSS.
 4. 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 to have materially changed.
- L. The Health Officer shall withhold approvals or recommend denial of permits if the OSS is nonconforming, except when the non-conforming condition is mitigated as set forth in

policies adopted by the Health Officer. Mitigation of the non-conforming condition does not amend the non-conforming status of the OSS.

SECTION 17 REPAIR OF FAILURES (246-272A-0280)

- A. Failing OSS cannot be modified. Failing OSS must be repaired or replaced in accordance with this article. Repair applications are limited to the existing permitted wastewater capacity or as determined by the Manual of Septic Tank Practice (Formerly Public Health Service Publication No. 526) for systems installed prior to 1979, with no expansions or modifications proposed.

- B. Special Standards within Geologically Sensitive Areas (GSAs) and Critical Aquifer Recharge Areas (CARAs) take precedence over WAC 246-272A Table X. Repairs and modifications of OSS within GSAs and CARAs with extreme vulnerability shall be designed and reviewed using the vertical and horizontal separation standards for new construction for each specific GSA or CARA.
 - 1. On sites where minimum required horizontal setbacks to wells or surface waters cannot be maintained, reductions in these setbacks shall be reviewed using the standards and mitigations appearing in Article IV, section 9, and/or the Class "A" Waiver criteria as published by WSDOH, with the exception that, for a sewage system repair, the actual waiver application/fee will not be required except when required by the health officer.

 - 2. Reductions in vertical separation shall be reviewed for new construction.

- C. The designer shall identify the cause of failure on the design.
 - 1. The repair design must address the cause of failure:
 - a. Failures due to excess waste strength including excessive biomat buildup require:
 - i. Analysis of effluent samples performed by a Washington Department of Ecology certified laboratory.

 - ii. Ongoing effluent sampling for a period to be determined by the health officer is required to verify waste strength after the repair has been installed.

 - b. Failure due to excess wastewater volume requires:
 - i. Timed dosing for pressurized systems

 - ii. Wastewater volume meter for non-pressurized systems

- D. Failing or leaking sewage tanks must be repaired or replaced. Sewage tanks that cannot be certified as watertight must be replaced. Sewage tanks may only be repaired twice before replacement is required.

- E. All sewage tank repairs must be completed by Thurston County certified pumpers, installers, or monitoring specialists and meet the following requirements:
1. Twenty-four (24) hour leak tests are required to verify the adequacy of sewage tank repairs. A leak test requires the tank be filled with water to the bottom of the outlet pipe. The levels should not drop within the 24-hour period. In the event a tank is found to be leaking after the 24-hour leak test, the tank must be repaired or replaced.
 2. The following sewage tanks cannot be repaired:
 - a. Undersized sewage tanks, except if the tanks are installed in series and the total volume exceeds minimum requirements;
 - b. Septic tanks made of materials that are prone to decay or collapse including:
 - i. Metal;
 - ii. Wood;
 - iii. Cinder blocks;
 - iv. Poly and Fiberglass tanks unless, the sewage tank manufacturer has reviewed and approved the repair process and a 24-hour leak test is completed by a Certified OSS Professional.
 3. The OSS professional who certifies the sewage tank repair must submit documentation to the Department on a form approved by the Health Officer.
 4. Thurston County Environmental Health staff may, at their discretion, inspect sewage tank repairs.

F. Minor Repairs

1. The following minor repairs not requiring an OSSA or OSSP may be completed by a person or a certified sewage system professional:
 - a. Building sewers;
 - b. Any other portions of tightline in the OSS;
 - c. Risers and riser lids;
 - d. Sewage tank baffles;
 - e. Effluent filters;
 - f. Sewage tank pumps and lids;

- g. Pump control floats;
 - h. OSS inspection boxes and ports.
2. The following must be completed by a Certified Installer or Certified Monitoring Specialist and submitted to the Health Officer on approved forms:
- a. Control panels;
 - b. Blower Motor;
 - c. Distribution box;¹
 - d. Maintenance items such as UV disinfection bulbs and filters;
 - e. The replacement of a small section ten (10) feet or less of the SSAS damaged as the result of digging into it as part of an OSS evaluation.¹
- [1 - Minor repair must be completed by a Certified Installer]
3. A minor repair of an OSS located in a marine recovery area, area of special concern, or area posing an increased public health risk established by the Board of Health under Section 22 of this article requires a written report to be submitted to the Health Officer stating the nature of the repair or replacement work.

SECTION 18 – EXPANSIONS (246-27A-0290)

- A. The OSS must serve the entire residence or facility.
- B. New construction standards are required to be met for expansions regardless of setback to marine shoreline. Refer to WAC 246-272A-290(2).

SECTION 19 - SEPTAGE MANAGEMENT (246-272A-0310)

Only pumpers certified by the Health Officer as per Section 22 may remove septage for disposal from an OSS.

SECTION 20 - DEVELOPMENTS, SUBDIVISIONS, AND MINIMUM LAND AREA REQUIREMENTS (246-272A-0320)

- A. The Health Officer shall require the following prior to approving any development:
 - 1. Where a development with individual wells is proposed:
 - a. Configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the lot lines; or

- b. Establishment, through protective or restrictive covenants, as appropriate, of a 100-foot protection zone around each existing and proposed well site and a note as approved by the Health Officer on the face of the final map.
2. Where a development to be served by a community well or wells is proposed, all requirements of chapter 246-290 WAC and chapter 246-291 WAC shall be met.
3. Where a development utilizing OSS is proposed, soil test pits shall be dug per section 10.A;
4. The proposal must be consistent with applicable requirements in city sewerage plans and/or the Thurston County Sewerage General Plan based on the project's location.

B. The Health Officer may:

1. Require larger lot sizes where the Board of Health has identified nitrogen as a concern.
2. Require technical justification with site plans prepared by a licensed designer for one or more proposed lots prior to preliminary or final approval of development proposals in order to verify that a proposed lot or lots can meet the requirements of this Article. If site plans are required, at a minimum the following is required:
 - a. Lot corners shall be marked and shown on the site plan;
 - b. At least two test pits shall be dug where the primary soil dispersal component is proposed and at least one test pit shall be dug where the reserve area is proposed to be located on each lot for purposes of developing soil logs;
 - c. After the soils investigation, the Health Officer may require that the project designer submit a complete design to the Health Officer for each lot indicating the proposed locations of the soil dispersal component and the reserve area and the specifications of the soil dispersal component. Designs submitted for this purpose must meet all requirements of sections 8 and 11.
 - d. A demonstration that site conditions are sufficient, and soils and topography are suitable for public domain technology for OSS primary and reserve area.
 - e. A demonstration that lot size and project density are suitable for public domain OSS technology.
 - i. Ground water modeling and assimilative capacity analysis shall be based on the treatment characteristics of public domain technology.

- ii. The use of proprietary devices capable of providing enhanced treatment shall not result in more lots or higher project density than can be achieved using public domain technology.
 3. The Health Officer may prohibit development on individual lots within the boundaries of an approved development if the proposed OSS design does not protect public health by meeting the requirements of this Article. Priority shall be given to locating OSS dispersal components in soil conditions that provide optimum sewage treatment and dispersal, such as in deeper suitable soils or soil textures that provide enhanced public health protection. The Health Officer shall require proposed lot lines to incorporate OSS on the same lot as the building to be served unless the designer demonstrates through technical justification that lot line configurations cannot incorporate OSS. On developments that cannot be adjusted to keep the OSS on the same lot as the building to be served, the Health Officer may allow, or may require, OSS components to be located on a separate lot with an easement if the soil or site condition on the separate lot is determined to result in optimal treatment and dispersal of sewage.
 4. The Health Officer may permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:
 - a. The proposed OSS meets all requirements of this Article other than minimum land area without the need for any waiver pursuant to section 23.
 - b. No violation of the Sanitary Code exists on the property.
- C. When a COSS or a LOSS will be used, except when managed by public entities, the person responsible for the development shall accomplish one of the following prior to final approval of the plat:
1. Install the COSS or LOSS and obtain approval by the appropriate agencies; or
 2. Provide a financial guarantee in favor of the Department and sign an agreement with the Department. The financial guarantee and agreement shall guarantee that construction will be completed within one (1) year from the date of the approval of the agreement. The amount of the financial guarantee shall be based on an estimate prepared by a designer, plus thirty-five (35) percent. The financial guarantee and agreement shall be to the satisfaction of the Department. The Health Officer may release a portion of the financial guarantee when he/she is satisfied that a portion of the project is complete and has been certified by the appropriate agency or person.

SECTION 21 MARINE RECOVERY AREAS, AREAS OF SPECIAL CONCERN AND AREAS OF INCREASED PUBLIC HEALTH RISK (246-272A-0015)

- A. The Health Officer may investigate and take appropriate action to minimize public health risk in formally designated marine recovery areas, areas of special concern or areas posing an increased public health risk established by the Board of Health such as:
1. Shellfish protection districts or shellfish growing areas;
 2. Sole Source Aquifers designated by the U.S. Environmental Protection Agency;
 3. Areas with a critical recharging effect on aquifers used for potable water as designated under Chapter 24.10 of the Thurston County Code (Critical Areas Ordinance);
 4. Designated public water supply wellhead protection areas;
 5. Surface water used as drinking water supply;
 6. Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;
 7. Areas designated by the Washington State Department of Ecology as special protection areas under WAC 173-200-090, Water Quality Standards for Ground Waters of the State of Washington;
 8. Wetland areas under production of crops for human consumption;
 9. Frequently flooded areas delineated by the Federal Emergency Management Agency;
 10. Areas identified and delineated by the Board of Health in consultation with the Washington State Department of Health to address public health threats from OSS;
 11. Waters that are listed by the Washington State Department of Ecology under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1251 et seq.) for low dissolved oxygen, nitrogen, phosphorus, fecal coliform, E.coli or entero bacteria; or
 12. Waters where nitrogen, phosphorus, fecal coliform, E coli., entero bacteria or other contaminants have been identified as a contaminant of concern by the health officer.
- B. The Board of Health may impose more stringent requirements on any new development and corrective measures to protect public health upon existing developments in marine recovery areas, areas of special concern or areas posing increased public health risk, including:
1. Additional location, design, and/or performance standards for OSS;

2. Larger land areas for new development;
 3. Prohibition of development;
 4. Additional operation, maintenance, and monitoring of OSS performance;
 5. Requirements to upgrade, alter or modify existing OSS or connect to sanitary sewer;
 6. Requirements to abandon existing OSS; and
 7. Monitoring of ground water or surface water quality.
- C. Within marine recovery areas, areas of special concern or areas posing increased public health risk, in addition to all Operational Certificate requirements, the owner of an OSS is required to have an inspection conducted by a person approved, certified or authorized by the Health Officer.
- D. 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, 2027 unless re-enacted by the Board of Health.
- E. The Nisqually Reach Watershed Protection Area is designated as a marine recovery area and an area of special concern as set forth in Appendix A.

SECTION 22 - DESIGNERS, INSTALLERS, PUMPER, AND MONITORING SPECIALISTS (246-272A-0340)

- A. **All professionals** shall perform work governed by this Article in accordance with the requirements of this Article and the policies and procedures adopted by the Health Officer.
- B. **All Designers**
1. Shall comply with all rules and guidelines for professional practice for on-site wastewater treatment system designers as established by the Washington State Department of Licensing; and
 2. To be published on the Thurston County list shall:
 - a. Provide documentation which indicates that the individual is licensed by the Washington State Department of Licensing as an on-site wastewater treatment system designer under RCW 18.210 or a professional engineer under chapter 18.43 RCW; and

- b. Pay a fee as specified in Appendix A of Article I if the designer wishes to be placed on the Thurston County designer's list.

C. Certification of OSS Professionals. Prior to offering or performing services as an installer, pumper or monitoring specialist a person shall.

1. Obtain certification from the Health Officer by:
 - a. Submitting an accurately and completely filled out application to the Health Officer to become a certified installer, pumper, or monitoring specialist;
 - b. Pay an examination fee as specified in Appendix A of Article I if they are taking the Thurston County Exam; and
 - c. Pass the appropriate certification examination administered by the Health Officer or approved authority;
2. Renew certification from the Health Officer by:
 - a. Attend at least one installer, pumper, or monitoring specialist-related educational class acceptable to the Health Officer once every year after becoming certified by the Health Officer for installation, pumping, or monitoring specialist work. Provide documentation of attendance to the Health Officer;
 - b. Be certified as a firm or be employed by a firm and be included on its list of employed certified professionals; and
 - c. Must submit required documentation annually to renew the firm's certification.

D. Certification of OSS Firms. No professional is authorized to perform work as a pumper, installer, or monitoring specialist unless he/she is also certified as a firm or employed by an OSS firm. The following requirements apply:

1. Upon initial certification the professional will be under one year probation. A violation that would result in disciplinary action may result in suspension of certification or revocation.
2. Prior to offering or performing services of installing, pumping, or monitoring, a firm shall obtain certification from the health officer to include:
 - a. Submit an accurately and completely filled out application to the Health Officer to become a certified installation, pumping, or monitoring firm;
 - b. Pay an initial fee as specified in Appendix A of Article I;
 - c. Employ at least one person who is a certified professional;

- d. Every individual employed by the firm who is responsible for overseeing installation, pumping, or monitoring specialist work in the field must be a certified professional; and
 - e. Submit a list of all certified installers, pumpers, and monitoring specialists employed by the firm.
3. Pumping firms must have all pump trucks and facilities designed and/or used for the holding or transportation of septage, inspected and approved by the Health Officer or agency as approved by the Health Officer prior to initial certification, when new trucks or facilities designed and/or used for the holding or transport of septage are brought into service and every three (3) years thereafter. Pumpers must have a minimum of one truck and all trucks must meet the requirements as outlined in Section 22. D.4
4. Pump trucks and pumping equipment must meet the following requirements:
- a. The capacity of the pumper tank shall not be less than one thousand two hundred fifty (1,250) gallons. Such tanks shall be fully enclosed, of metal construction and self-draining with openings or hatches built to seal securely. There shall be at least a two and one half (2.5) inch intake with a safety locking device to minimize spillage when not pumping. The outlet shall be at least three (3) inches in diameter and shall be equipped with a valve and locking device. A flat plate bolted over an opening in the tank shall not constitute an emptying device except as a means of cleaning rocks and sediment from the tank periodically;
 - b. Pumps shall be of sturdy construction and capable of handling sewage without suction strainers. The pump design shall be self-priming, without bypasses, orifices or other devices that contribute to operational interruptions and failures;
 - c. Each truck shall be equipped with a section of hose, pipe or funnel made of easily cleanable, durable material to properly direct the flow of the tank contents while emptying the tank;
 - d. In addition to the suction hose, each truck shall carry a water hose of adequate length which shall be provided on each truck for washing spillage and equipment. A vacuum breaker shall be available and used when attaching the water hose to the potable water supply;
 - e. The firm name, license number, and telephone number shall be conspicuously displayed on both sides of the truck in bold letters not less than five (5) inches high for firm name and not less than three (3) inches high for license and telephone number;
 - f. All equipment must be properly maintained and kept clean. The customer's premises must be left in a clean and sanitary condition.

- E. **Retain Certification.** Installation, pumping, and monitoring firms, must retain their certification by submitting the following to the Health Officer prior to the 31st day of December each year:
1. An accurate and complete renewal form as provided by the Department;
 2. Pay the certification renewal fee as specified in Appendix A of Article I;
 3. Firms shall provide a list of certified installers, pumpers, or monitoring specialists who are employed by the firm;
 4. Documentation that the continuing education requirements as described in Section 22.C.3 were met for each certified individual; and
 5. Firms shall provide all reports that were not submitted for the preceding year.
- F. **Failure to Renew Certification.** Installation, pumping, and monitoring firms, and individuals shall be prohibited from performing installer, pumper, or monitoring specialist work if their certification has not been renewed by the end of the 31st day of December.
1. If the individual or firm has not renewed its certification by December 31st or has not submitted all materials to be considered eligible for renewal, then the certification will be expired.
 2. Prior to re-instatement of an expired certification the septic professional must apply for a new certification by completing a new application form and paying the initial application fee and late fee, and may be required to retake the appropriate exam at the discretion of the Health Officer based on the date the individual(s) last took the exam and the performance history of the person or firm.
 3. Any septic professional (individuals or firms) with unresolved disciplinary actions or history of substandard work performance may not be re-instated as determined by the Health Officer. If allowed to re-instate a certification, the professional will be placed on probation for one year with conditions to be set by the Health Officer.
- G. **Disciplinary Action – Probation, Suspension, and Revocation.** Installation, pumping, and monitoring firms, and individual installers, pumpers and monitoring specialists shall be subject to disciplinary action for failure to comply with this code and applicable state laws and regulations or for incompetence, negligence, misrepresentation, non-compliance, or intentional or willful malfeasance. If the Department Director finds that the concerns or complaints regarding compliance are substantiated by clear and convincing evidence, the Department Director has the option of placing the certification on probation or suspension or revoking the certification as follows:
1. Certification probation shall be a specific period of not less than six (6) months or more than one (1) year. Violations of any of the terms and/or conditions of the probation will result in suspension or revocation of the certification. Only one probationary period shall be in effect at any one time. Exceeding the maximum of

one imposed probation in any three-year period will result in suspension. All probations and suspensions shall carry over from one calendar year to the next.

2. Certification suspension shall be a specific period of not less than one (1) month or more than one (1) year. The individual or firm on suspension must apply in writing to the Health Officer, at the end of the suspension period, requesting reinstatement and pay any reinstatement fee as required in Appendix A of Article I. Prior to reinstatement the firm or individual must meet all current and previous certification responsibilities and requirements. Exceeding one suspension in any one-year period or two suspensions in any three-year period will result in revocation of certification. All suspensions shall carry over from one calendar year to the next. An individual or firm on suspension shall not be allowed to perform the work of an installer, pumper, or monitoring specialist during the period of suspension.
3. Revocation is the complete denial of the rights and privileges associated with certification of an individual or firm. An individual or firm whose certification has been revoked shall not be allowed to become certified again for a period not less than three (3) years from the date of revocation. An individual or firm seeking recertification must also successfully meet all the requirements for obtaining an initial certification prior to becoming certified, as well as any previous responsibilities or financial obligations. Upon recertification the individual or firm is required to serve a probationary period of one (1) year.
4. Recommend action to the Department Director to issue a letter of reprimand, place a certified individual or firm on probation, or revoke or suspend a certification if the criteria referenced in subsection 22.G are met. The Department Director shall consider and issue a reprimand without conducting a hearing. If a certification is recommended by the Health Officer to be placed on probation or suspension or revoked, a disciplinary hearing shall be conducted by the Department Director.

H. Disciplinary Hearing. The Health Officer shall send written notice to the OSS professional or firm stating the basis for recommending disciplinary action. The notice must provide the date, time, and location of the Department Director's hearing to consider disciplinary action, or the hearing may be scheduled at a mutually agreed upon date and time. The Director may conduct the hearing informally, allowing the OSS professional or firm to hear and respond to the charges. Based on the facts, presentation, discussion, and information presented, the Department Director shall issue a written decision and notice of discipline imposed.

I. Authority and Responsibilities of professionals and firms.

1. **Installers and installation firms** shall have authority and be responsible for the following:
 - a. Installing new, repairs, minor repairs, modifications.
 - b. Replacing pumps and sewage tanks.

- c. Inspection of sewage tanks, pumps and controls, OSS dispersal components or other components they are certified to inspect. Submitting to the Health Officer and to the OSS owner a report of all inspections performed on each OSS within 30 days following the inspection or maintenance activities.
- d. Accurately representing information on all work submitted to Health Officer and/or the designer.
- e. Assuring the appropriate permits or approvals have been obtained prior to commencing any actions an installation firm is authorized to perform.
- f. Certifying that an installation performed by the firm's employees complies with approved designs or approved revisions to designs.
- g. Be present on each work site for the duration of authorized installation work.
- h. Immediately notifying the Department of any changes in either business information (such as location, phone number, etc.) or any changes in the list of installers employed by the firm.

2. **Pumpers and pumping firms** shall have authority and be responsible for the following:

- a. Inspecting levels of scum and solids in sewage tanks, pump chambers and holding tanks; inspecting sewage tank lids, baffles, walls, floors, pipe connections and seals, pump fittings, wires, valves, effluent screens, risers, and riser lids and locks, and any other OSS components they are certified to inspect.
- b. Repairing or sealing cracks in sewage tanks, and repairing or replacing baffles, effluent screens, risers and riser lids and locks, installing risers and resealing pipes.
- c. Replacing non-perforated pipe between a structure and a sewage tank, between sewage tanks, or between a sewage tank and a soil dispersal component.
- d. Inspecting ponding levels and monitoring port condition.
- e. Pumping septage from a sewage tank and/or other components and transporting and disposing of the septage at sites approved by the state.
- f. Assuring that all facilities designed and/or used for the holding or transporting of septage are approved by the Health Officer and operated in a manner that protects public health.

- g. Reporting to the Health Officer, upon occurrence of an OSS failure or suspected OSS failure, and promptly take appropriate action to correct the failure.
 - h. Maintaining records of pumper work for a period of at least three (3) years. Pumper records on file at the pumpers place of business shall be made available to the Health Officer for inspection during regular business hours. Reports shall include the following information:
 - i) The address and customer for each load of septage;
 - ii) The number of gallons pumped;
 - iii) The disposal site of the septage; and
 - iv) The pumper who performed the pumping.
 - i. Reporting of work performed for each customer, using a form and/or format acceptable to the Health Officer. A filing fee shall be submitted with all paper reports to the Health Officer. A copy of the report shall be provided to the customer and submitted to the department within 30 days of completing the work. The report must be filled out thoroughly and completely, including notations of any observed defects and repairs or adjustments of any components.
 - j. Performing the inspections, maintenance, monitoring, and sampling in accordance with the Operational Certificate issued by the Health Officer, the manufacturer's manual, state rules and regulations, and this Article.
 - k. Accurately representing information on all work submitted to Health Officer and the firm's clients.
 - l. Be present on each work site for the duration of authorized pumper work.
 - m. Certifying that any authorized work performed by the firm's employees complies with applicable standards and practices.
 - n. Immediately notifying the Department of any changes in business information (such as location, phone number, etc.), equipment or pumpers employed by the firm.
3. **Monitoring specialists and monitoring specialist firms** shall have authority and be responsible for the following:
- a. Operating, maintaining, inspecting, sampling, and/or monitoring the performance.

- b. Performing the inspections, maintenance, monitoring, and sampling in accordance with the operational certificate issued by the Health Officer, the manufacturer's manual, state rules and regulations, and this Article, operational certificate issued by the Health Officer, the manufacturer's manual, state rules and regulations, county requirements, and this Article.
- c. Reporting to the Health Officer, upon occurrence of an OSS failure or suspected OSS failure, and promptly take appropriate action to correct the failure.
- d. Submitting to the Health Officer and to the OSS owner a complete report of all inspections, maintenance, monitoring, and sampling performed on each OSS. The report shall be in a form and/or format acceptable to the Health Officer. The report should include notations of any observed defects, repairs, or corrections needed for any component. A copy of the report shall be provided to the customer and submitted to the department within 30 days of completing the work. A filing fee shall be submitted with all paper reports to the Health Officer.
- e. Accurately and completely representing the work performed and the condition to Health Officer and to the owner.
- f. Employing at least one certified monitoring specialist who will be present on each work site for the duration of authorized monitoring work.
- g. Notifying the Department immediately of any changes in business information (such as location, phone number, etc.), or any changes in the list of monitoring specialists employed by the firm.
- h. Notifying the Department and owner within 30 days, in writing, when a contract for service is terminated.

J. Authority and responsibilities of the Health Officer. The Health Officer shall:

- 1. Provide information listing the required technical knowledge needed for certification available for any individual or firm wishing to become certified as an installer, pumper, or monitoring specialist.
- 2. Required testing for individuals applying to become an installer, a pumper, or a monitoring specialist on the applicable subject matter, rules and regulations, and standards. Certify only those applicants who obtain a passing score. The Department will accept testing from another service or agency as approved by the Health Officer.
- 3. Issue a certificate to those individuals who satisfactorily pass their respective test. The certificate shall contain the individual's name, business address, telephone number, and the date of certificate issuance.

4. Issue certification to any firm that applies to become an installation, pumping, or monitoring firm and meets the requirements of Section 22.D and Section 22.G.
5. Issue certification for installation, pumping, and monitoring firms only for the unexpired portion of the calendar year in which the application is made.
6. Send out certification renewal notices to all individuals and firms certified by the Health Officer on or before November 15th of each calendar year. The notices shall include reminders of the requirements of renewal.
7. Renew certificates for those who have paid the renewal fee and meet the requirements of this Article.
8. Investigate citizen complaints.
9. Monitor the performance of installers, pumpers, or monitoring specialists or firms through a quality assurance program.
10. Maintain, and make available to the public, written criteria for letters of discipline for probation, revocation, or suspension of a certification for those certified under subsections 22.B and 22.D. Such actions shall be due to valid complaints or concerns regarding failure on the part of an installation firm, pumping firm, or monitoring firm to comply with regulations, guidelines, policies and procedures, principles, or professional practices of the specific area of expertise and certification. This may include incompetence, negligence, misrepresentation, non-compliance, or intentional and/or willful malfeasance.
11. Recommend action to the Hearing Officer to issue a letter of discipline to place a certified individual or firm on probation, or revoke or suspend a certification if the criteria referenced in subsection 22.G are met. If a certification is recommended by the Health Officer to be placed on probation or suspension or revoked, an administrative hearing shall be conducted.
12. Submit evidence, in a manner required, to the Board of Professional Engineers and the Department of Licensing when an engineer has not performed his/her responsibilities in a manner consistent with the requirements of this Article and related policies, procedures, and guidelines, and the requirements of chapter 18.43 RCW.
13. Submit evidence, in a manner required, to the Department of Licensing when an on-site wastewater treatment system designer has not performed his/her responsibilities in a manner consistent with the requirements of this Article and related policies, procedures, and guidelines.
14. Submit evidence, in a manner required, to the Board of Registered Sanitarians when a registered sanitarian has not performed his/her responsibilities in a manner consistent with the requirements of this Article and related policies, procedures, and guidelines.

SECTION 23 - WAIVER REQUESTS (246-272A-0420)

- A. **Approval Standards.** The Health Officer shall evaluate each waiver request on an individual site-by-site basis and may only approve a waiver if the request satisfies the standards established.
1. **Class A Waivers from State On-Site Sewage System Regulations.** A Class A waiver is a request to waive a state regulation, or provision of this article required by state regulation, for which the Washington State Department of Health has established specific review criteria and mitigation measures. A Class A waiver may only be approved if all of the following are established:
 - a. The waiver is consistent with the standards in, and intent of, the state rules and regulations;
 - b. The proposal satisfies the review criteria; and
 - c. The proposal will adequately provide approved mitigation measures.
 2. **Other Waivers from State On-Site Sewage System Regulations.** When the Health Officer receives a request for a waiver from a state regulation, or provision of this article required by state regulation, that is not a Class A waiver, the Health Officer may request review of the proposal by the Washington State Department of Health. The waiver may only be approved if all of the following are established:
 - a. The Washington State Department of Health agrees with the approval of the waiver, where such review has been requested; and
 - b. The approval standards in section 23.A are satisfied.
 3. **All Other Waivers.** A waiver other than a Class A waiver may only be approved if all of the following are established:
 - a. The requested waiver is consistent with the standards in, and the intent of, this article, all applicable state laws, rules and regulations, and any applicable policies and DS&Gs;
 - b. The requested waiver is consistent with the purpose and objectives of this article this article to protect public health;
 - c. The request includes adequate mitigation of any risk to public health or the environment;
 - d. No alternative to the waiver is available that meets all requirements of this Code, or any available alternative that meets all requirements of this

Code provides less protection of public health and the environment than will be achieved by approving the waiver; and

- e. The requested waiver is the minimum necessary.

B. Information Required for the Submission of a Request for Waiver must be submitted on a form approved by the Health Officer along with the waiver fee set forth in Article I, Appendix A.

C. Notification. Notification of a waiver request must be given as set forth in this subsection when the request involves either (a) a set-back to a neighbor's water source or a neighboring property; or (b) a community OSS where the waiver may affect owners of connections or multiple residences.

1. **Contents of Notification.** The notification of a waiver request shall contain the following information:

- a. Name and address of person requesting a waiver;
- b. Permit type, permit number, parcel number and address of the property;
- c. A brief description of the waiver request;
 - i. A statement that comments may be submitted within 15 calendar days of the date of the notice, unless a longer time period is specified in the notice; and
 - ii. The address and contact information where comments are to be submitted.

2. Notification shall be deemed complete when a written notice to the person's last known address has been deposited in the U.S. Mail or has been served on the person according to Section 7.2 of Article I.

3. Any person required to be notified by this section may submit comments on the waiver request by presenting such comments, in writing, to the Health Officer. Comments must be submitted within 15 calendar days of the date of the notice unless a longer time period is specified in the notice.

D. Decision. The Health Officer may approve or deny a waiver request, or a portion of the request, for an OSS under 3,500 gallons per day. The Health Officer may set conditions, restrictions, and time limits as part of any waiver decision. The Health Officer may only approve a waiver if the approval standards in Section 23.A are satisfied. The Health Officer shall issue a written decision on the waiver request within fifteen calendar days after the latest of (1) receipt of a complete request, (2) where applicable, receipt of the Washington State Department of Health's review of the waiver proposal, or (3) the deadline for notified persons to submit comments. The deadline to issue a decision may be extended if the requester agrees to a longer time.

- E. **Notice of Decision.** A copy of the Health Officer’s decision shall be transmitted, within five calendar days of issuance, to the person who requested the waiver, to each person required to be notified who has submitted comment, and to each person who has requested a copy of the decision.
- F. **Appeal.** Any person aggrieved by a decision of the Health Officer approving or denying a waiver may appeal the Health Officer’s decision to the hearing officer pursuant to Article I, Section 8.
- G. If an applicant desires to modify and resubmit a previously denied waiver request, a new request must be submitted along with the applicable fee.

SECTION 24 – ENFORCEMENT (246-272A-0430)

- A. The Health Officer:
 - 1. May make inspections to determine whether a project is constructed and operated within the law and stated conditions;
 - 2. Shall enforce the provisions of this Article in accordance with Article I of the Sanitary Code for Thurston County.
- B. When a person violates the provisions under this Article, the Health Officer may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including but not limited to any one or a combination of the following:
 - 1. Informal administrative conferences, convened at the request of the Health Officer or owner/applicant, to explore facts and resolve problems;
 - 2. Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of this Article;
 - 3. Denial, suspension, modification, or revocation of permits, approvals, or certification; and
 - 4. Civil or criminal action.
- C. Orders authorized under this section include the following:
 - 1. Orders requiring corrective measures necessary to achieve compliance with this Article. Such orders may include a compliance schedule; and
 - 2. Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by this Article are obtained.
- D. Enforcement orders issued under this section shall follow the requirements described in Article I.

- E. The Health Officer shall have cause to deny an OSSA, an OSSP, or an Operational Certificate, or to revoke, suspend, or modify a required OSSP, or Operational Certificate of any person who has:
 - 1. Failed or refused to comply with the provisions of this Article, or any other statutory provision or rule regulating the operation of an OSS; or
 - 2. Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

SECTION 25 - CIVIL INFRACTIONS AND PENALTIES

- A. The violation of any provision of this Article is designated as a civil infraction pursuant to chapter 7.80 RCW as follows:
 - 1. Any violation causing unsanitary conditions or any threat to public health is a Class 1 civil infraction. Each day of any such violation is a separate civil infraction. A notice of infraction shall be issued in accordance with Article I.
 - 2. Any other violation is a Class 3 civil infraction. Each day of any such violation is a separate civil infraction. A notice of infraction shall be issued in accordance with Article I.
- B. The Health Officer may impose civil penalties for violations of this Article or for refusal to comply with lawful orders written pursuant to this Article. Such penalties shall be issued and be in accordance with the provisions contained in Article I of the Thurston County Sanitary Code. Civil penalties for violations of this Article shall be assessed pursuant to the following schedule:
 - 1. First day of each violation - \$100.00
 - 2. Second day of each violation - \$200.00
 - 3. Third day of each violation - \$300.00
 - 4. Fourth day of each violation - \$400.00
 - 5. Each additional day of each violation beyond four days - \$500.00 per day

SECTION 26 - APPEALS

- A. Any person aggrieved by a decision, an inspection, or notice made by the Health Officer shall have the right to appeal the matter as specified in Article I, except for (1) appeals of disciplinary actions taken pursuant to section 22 of Article IV, which shall be governed by section 26.B and (2) determinations of the applicability of Henderson Watershed Protection Area and Nisqually Reach Watershed Protection Area requirements which shall be governed by Appendix A of this article.

- B. The Department Director's disciplinary actions taken pursuant to Section 22 against a firm's or individual's certification to perform work as an installer, pumper, or monitoring specialist, shall be appealable to the Hearing Officer by any aggrieved person in accordance with this section and the provisions of Article I. The appeal shall be filed within 15 calendar days of the Director's decision in accordance with Article I, section 8.1. The Hearing Officer shall have authority to affirm, deny, or revise any disciplinary action taken pursuant to Section 22.

The Hearing Officer's decision on appeal of any discipline shall be the final decision of Thurston County and shall not be appealable to the Board of Health under Article I. Any appeal of the Hearing Officer's final decision on disciplinary action under Section 22 shall be filed with the Superior Court and served on all parties within twenty-four calendar days from the date the Hearing Officer's written decision was served pursuant to Article I, section 7.2, or is thereafter barred. An appeal shall not operate as a stay of any required action contained in the decision of the Hearing Officer.

SECTION 27 – SEVERABILITY (246-272A-0450)

If any provision of this Article or its application to any person or circumstances is held invalid, the remainder of this Article, or the application of the provision to other persons or circumstances shall not be affected.

Article IV, Appendix A

- A. **Creation of Areas.** Pursuant to Article IV, Section 21, the Henderson Watershed Protection Area and Nisqually Reach Watershed Protection Area are established as areas of special concern and marine recovery areas.
- B. **Watershed Protection Area Maps.** The Henderson Watershed Protection Area includes all property where drainage flows toward Henderson Inlet within the area generally depicted in Geodata Maps.

The Nisqually Reach Watershed Protection Area includes all property where drainage flows toward Nisqually Reach within the area generally depicted in Geodata Maps.

If any portion of a parcel is within the area, the entire parcel will be considered to be within the area.

The Health Officer shall review the maps annually to update the boundary based on any new information obtained regarding drainage flow and location of OSS and other improvements.

- C. **On-site Sewage System Regulations.** Any property served by an OSS where any portion of the parcel is within a watershed protection area will be required to comply with operation and maintenance requirements established for the Area. If any portion of a parcel lies within more than one watershed protection area, the OSS will be subject to the operation and maintenance requirements of only one watershed protection area as determined in accordance with policies and procedures adopted by the Health Officer.
- D. **Operation and Maintenance Requirements.** The following operation and maintenance requirements shall apply to all OSS within the Henderson Watershed Protection Area and Nisqually Reach Watershed Protection Area:

1. **Operational Certificates**

All OSS within the Area are required to have renewable Operational Certificates in accordance with Section 16 of this article. The Operational Certificates must be kept current and renewed on prescribed schedules. The Operational Certificate requirements shall include routine inspections and maintenance and submission of inspection reports to the Health Officer.

An Operational Certificate shall not be issued or renewed for an OSS that is failing.

2. **High and Low Risk OSS Designation**

The Health Officer shall implement policies and procedures adopting criteria for ranking OSS as low or high risk and setting minimum inspection and evaluation requirements for OSS within the watershed protection area. The criteria to rank OSS shall be based on soil type, proximity to surface water and other appropriate criteria in accordance with policies and procedures adopted by the Health Officer.

3. **Parcel/Dye Test Evaluations**

For High Risk OSS, a parcel or dye test evaluation shall be required as a condition of the Operational Certificate to determine whether or not the OSS is failing. Parcel and dye test evaluations shall be required to be performed as follows:

Beginning December 1, 2017, after the initial dye test or parcel 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 or parcel evaluation.

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

Parcel and 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 parcel and dye test evaluations. Before starting a parcel or 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.

E. **Conversion of OSS to public sewer.** The Board of Health may require the abandonment of OSS and connection to public sewer systems where the following conditions exist:

1. The area is within a public sewer service area; and
2. The public sewer system has the capacity, and the connection is permitted by the sewer utility; and
3. A groundwater or surface water pollution problem has been confirmed in excess of state or federal water quality limits or adopted county action levels; the pollutant of concern is associated with OSS; and the area is within the aquifer recharge area or the surface water drainage basin where the water quality problem exists.
4. The Health Officer determines the OSS are, more likely than not, significant contributors to the pollutant level based on the density, design or condition of the OSS and/or the geology where the OSS are located.
5. Where the above criteria are met and the Board of Health determines that connection to sewer is necessary to protect surface water, ground water, or otherwise protect public health based on aquifer vulnerability, water quality correction and water contamination prevention information, the Health Officer shall issue an order to the owners of properties served by OSS in the affected area to connect to sewer or abandon the existing OSS. The Health Officer shall establish a reasonable schedule for compliance. The Health Officer shall make a request to the Board of Health to impose a moratorium on all new OSS within the

affected area, in conjunction with the order to abandon the OSS and connect to public sewer. The Health Officer shall notify property owners of the order where OSS permits have been approved but the systems have not yet been constructed.

F. **Owner Request for Review.** Once a year there will be a review period for property owners to request the Environmental Health Division Director, or Director's designee review the watershed protection area requirements apply to their properties.

1. Property owners may request review of the following:
 - a. Whether their property is served by an OSS;
 - b. Whether their property drains toward Henderson Inlet or Nisqually Reach;
 - c. Whether the location of any portion of their OSS is within the watershed protection area;
 - d. Whether their OSS is a high-risk OSS or a low-risk OSS. No other review or appeal will be allowed.
2. Applications for review shall be submitted to the Department on a form provided by the Department. The applicant may submit any information (maps, photographs, details) to support the adjustment requested.

The burden of proof shall be on the applicant to show that the adjustment sought should be granted.

The Environmental Health Division Director, or Director's designee will consider all information submitted by the applicant and any information on file with the Department regarding the property. The Environmental Health Division Director, or Director's designee may request a meeting with the applicant and Department staff to consider available information regarding the review.

3. Applications for review must be received by April 30th of each year.

For applications received by April 30th, the Environmental Health Division Director, or Director's designee will issue a letter of determination by June 30th. If the Environmental Health Division Director, or Director's designee determines that an adjustment is warranted, the adjustment shall be made effective for the next year after the date of the determination.

The determination is final and there shall be no further right of administrative appeal.

G. **Corrections and Adjustments.** As new information is obtained, based on the adopted policies, procedures, and program criteria, the Health Officer may make appropriate adjustments and corrections to properties included in the Area, OSS risk rankings, conditions in Operational Certificates, and other appropriate adjustments; except for expansion of the watershed protection area boundary which would require legislative action by the Board of Health. Property owners affected by any corrections and

adjustments shall be notified of such corrections and adjustments at least 30 days prior to the effective date of those changes.

- H. **Fees.** The Operational Certificate renewal fee and Areas of Special Concern Annual Regulatory Fees set forth in Article I, Appendix A of this code shall not apply within the watershed protection areas that are subject to shellfish protection district rates and charges for an on-site sewage system operation and maintenance program.
- I. **Program Evaluation.** Five years after creation of each watershed protection area, the Health Officer will conduct an evaluation of the program and activities and submit a report to the Board of Health.