

KITSAP COUNTY BOARD OF HEALTH ORDINANCE 2008A-01
ONSITE SEWAGE SYSTEM AND GENERAL SEWAGE SANITATION REGULATIONS

Policy #10: Conditions and Limitations for Continued Use of Existing Onsite Sewage Systems for Non-Expansion Building Permit Proposals - Discovery and Disclosure Requirements

Effective Date: May 24, 2013, July 8, 2019

Purpose: The purpose of this policy is to outline the requirements of Section 11 of the regulations and develop criteria for how an existing, unpermitted onsite sewage system (OSS) will be investigated, inspected, evaluated, and reported when discovery and disclosure of the OSS is required by the Health Officer under state and local rules.

When Health District approval is needed to obtain a building permit for a structure that is either served by, or is proposed to be served by, an existing, unpermitted OSS, a property owner has two options (note: both options require the services of a state licensed onsite wastewater designer or engineer):

1. Complete and submit a Building Site Application (BSA) for a new OSS, conforming to the requirements for new construction detailed in Section 10, and install the new OSS in accordance with Section 12; OR
2. Complete and submit a Building Clearance (BC) Application with material facts and information to demonstrate how the unknown OSS and building permit proposal meet the intent of the regulations (see Section 11.A.7). A BSA-Compliance design to establish a reserve drainfield may be required.

This policy is intended to coordinate with Policy 11, Building Clearance Exemptions. This policy is not applicable to new construction or expansion proposals; refer to Section 10 of the Regulations for new construction requirements.

Existing OSS shall be investigated, inspected, evaluated, and reported to ensure that the OSS is:

1. Working adequately and is not failing;
2. Located and documented so that a record of its existence can be placed in the local OSS inventory;
3. Upgraded for accessibility and maintenance; and
4. Maintained and/or repaired as needed to ensure continued functionality and the protection of public health. Repairs or maintenance must be performed in accordance with Policy #15, Minor Repairs.

OSS failures must be reported to the Health District within one business day of discovery.

Policy and Procedures: OSS and each of their components shall be investigated, inspected, evaluated, and reported as follows unless other arrangements have been approved by the Health District in advance:

1. **Complete maintenance inspection service and locate.** Each component of the OSS (e.g., septic tank, pump tank, distribution box, drainfield laterals, etc.) will be viewed and inspected to determine:
 - a. The location of each component relative to a benchmark on the property (i.e., the stub-out or clean-out), including horizontal setbacks to the features listed in Tables 1A – 1C;
 - b. The size (i.e., volume, length, diameter, etc. as applicable to each component), material types, and construction of each component; and
 - c. The functional status of, and any maintenance needs for, each component.
2. **Viewing and inspection of components.** Each component will be viewed, inspected, and documented as follows:
 - a. Septic tanks, pump tanks, and other tankage: main lid(s) and inlet/outlet lids exposed and removed so that tank can be fully inspected, baffles checked, and contents sludge-judged to determine if the tank(s) are water-tight and if there is enough working capacity remaining or if pumping is required.
 - b. Distribution box: top lid exposed to determine functionality and structural integrity, and whether or not equal distribution is being attained or can be attained with the existing component.
 - c. Drainfield: ends will either be dug up and exposed or inspected via an electronic locate/video camera to determine the installation depth of the laterals, and the working length of each lateral. A soil log must be excavated in the drainfield area to determine the vertical separation of the drainfield.
3. **Maintenance inspection report completion and submittal.** A full maintenance and inspection report for the OSS (and each of its components) will be submitted through the Health District's RME maintenance reporting system.
4. **Record of construction / site plan.** A scaled record of construction/site plan showing property lines, structures, utility lines, wells, OSS, etc., will be created to establish a record for the site and will be submitted in accordance with Section 12.C.3 of the regulations.
5. **Bootleg/Illegally Replaced OSS Drainfields.** If it is determined through viewing and inspecting the OSS that the drainfield materials and construction are not consistent with the age of the structure(s) connected to it, a full BSA and Permit inspection will be required to demonstrate that the OSS meets current code or the OSS will need to be replaced with a conforming OSS and reserve area.
6. **Conditions and Limitations.**
 - a. Tanks must be watertight, of concrete construction, and have a capacity of:
 - i. 500 gallons for homes built before 1974
 - ii. 1,000 gallons for homes built 1974 and after OR
 - iii. Be replaced with a conforming tank through a component replacement permit
 - b. Distribution boxes shall be intact and structurally stable, plumb, level with equal flow or be replaced with a conforming distribution box and permit
 - c. Drainfield Setback to Wells and Surface Water shall be at least the following or be replaced with a conforming OSS:
 - i. 50 feet for homes built before 1974
 - ii. 75 feet for homes built 1974 and after
 - iii. Reductions down to 50 feet may be considered through a waiver with mitigation provided the drainfield is functional and meets minimum working length (see below)
 - d. Drainfield total working length shall be at least:
 - i. 75 feet (150 sq. ft.) for a 2-bedroom house

- ii. 100 feet (200 sq. ft.) for a 3-bedroom house
- iii. 150 feet (300 sq. ft.) for a 4-bedroom house or greater
- e. Vertical separation for the drainfield shall be a minimum of 12 inches.
- f. Reserve area for a conforming OSS shall be identified and located or the lack thereof shall be noted by the Health District.

Applicable State and Local Rule References:

- **RCW 70.118A.050:** The health officer shall find failing OSS and ensure necessary repairs AND find unknown systems and ensure that they are inspected as required to ensure that they are functioning properly (and repaired if necessary)
- **WAC 246-272A-0015:** LHJ shall progressively develop and maintain an inventory of all known OSS in operation; remind and encourage/enforce homeowners to complete required O&M inspections required by -0270; maintain all required records for designs, permits, O&M; and find failing and unknown OSS.
- **WAC 246-272A-0020:** The health officer may modify an existing permit to include additional requirements if it is determined that a serious threat to public health exists.
- **WAC 246-272A-0200:** Permit form health officer required to install, repair, **modify**, connect to, or expand **an OSS**; health officer may revoke or deny a permit for just cause (e.g., construction or continued use of OSS that threatens public health and/or failure to meet regulations or permit conditions).
- **WAC 246-272A-0270:** Owner is responsible for operating, monitoring, and maintaining the OSS to minimize risk of failure and shall assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with regulations and permits; owner shall provide maintenance and needed repairs to promptly return the OSS to a proper operating condition; owner shall keep the flow of sewage to the OSS at or below the approved operating capacity (volume and quality/waste strength).
- **KPHD Ordinance 2008A-01, Section 11 – Existing Development:** Purpose is to determine whether or not a project proposal for modification, expansion, or additional connection is compatible with the existing OSS and reserve area.
- Expansion or modification proposals for OSS without records shall be submitted through a Building Site Application and may be subject to new construction requirements.
- The health officer may waive compliance with regulations when, upon submittal of material facts and information regarding the OSS and the development proposal, he/she determines that public health will not be put at risk from the proposal/continued use of the OSS.