

KITSAP COUNTY BOARD OF HEALTH

**ORDINANCE 2025-XX**

**Onsite Sewage System and  
General Sewage Sanitation  
Regulations**

Effective XX, 2025

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## SECTION 1: Authority, Purpose, and Objectives

- A. These regulations are promulgated under the authority of Chapters 70.05, 70A.105, 70A.110, and 70.46 of the Revised Code of Washington (RCW), and Chapter 246-272A of the Washington Administrative Code (WAC).
- B. The purpose of these regulations is to protect, preserve, promote, and improve public health and safety by:
  - 1. Establishing minimum standards of sanitation for sewage;
  - 2. Eliminating or minimizing the potential for public exposure to sewage; and
  - 3. Eliminating or minimizing the adverse effects of sewage discharges to the ground, surface water or ground water; back-ups of sewage into structures; or inadequate treatment and control of sewage.
- C. This ordinance regulates:
  - 1. The location, design, installation, operation, maintenance, monitoring, and oversight of onsite sewage systems (i.e., septic systems) designed or permitted to handle up to 3,500 gallons per day; and
  - 2. The control and abatement of sewage-related nuisances detrimental to public health.
- D. These regulations are intended to coordinate with other applicable state and local regulations for sewage treatment, conveyance, and control; water supply; solid waste; food handling; building; land use/land use planning; and critical areas.
- E. It is the specific intent of this ordinance to place the obligation for complying with these regulations upon property owners, and/or their authorized agents or occupants of the property, where sewage originates, and/or sewage producers, sewage contractors, or other persons as applicable under these regulations.
- F. It is the intent of this ordinance to provide for fair, equal, and reasonable treatment of all persons that are subject to these regulations, and to allow for Health Officer discretion in the application of these regulations as they deem necessary to protect public health. Nothing in these regulations is intended to abridge or alter the rights of action by the state, or by persons that exist in equality, common law, or other statutes, to abate pollution or a nuisance.

- G. No provision or term of this ordinance is intended to impose any duty whatsoever upon the Health Officer or Health District, or any of its officers or employees, for whom the implementation or enforcement of these regulations shall be discretionary and not mandatory.

## SECTION 2: Administration

- A. The Health Officer shall administer and enforce these regulations under the authority of Chapters 70.05, 70A.105, 70A.110, and 70.46 Revised Code of Washington (RCW), and Chapter 246-272A Washington Administrative Code (WAC).
- B. Chapter 246-272A WAC is hereby adopted by reference. Where/if state and local regulations conflict, the more stringent shall apply.
- C. The Health Officer is authorized to promulgate such additional rules, regulations, policies, standards, or take other such actions as they deem necessary, to maintain public health and sanitation to carry out the purpose and intent of this ordinance.
- D. The Health Officer is authorized to waive, at his or her discretion, any part(s) of these regulations, or the regulation in its entirety, pursuant to **Section 18** of these regulations.
- E. The Health Officer may charge fees for the administration of this ordinance under authority of chapters 70.05.060(7) RCW and 246-272A-0005 WAC.

### SECTION 3: Effective Date

The effective date of these regulations is XXX, 2025.



## SECTION 4: Jurisdiction and Applicability

### A. General Requirements.

1. These regulations shall apply to all territory contained within the boundaries, and under the supervision, of the Kitsap County Board of Health.
2. These regulations shall apply to the owner, owner's authorized agent, operator, and/or occupant(s) of any residence, place of business, or other building, structure, or place where people congregate, reside, or are employed, that must use an OSS designed or permitted to handle up to 3,500 gallons per day, including existing, unknown, and/or unpermitted onsite sewage systems.
3. In the specific event of public exposure to sewage, a sewage discharge to the ground surface, surface water or ground water, or back-up of sewage into a structure, these regulations shall also apply to the owner, owner's authorized agent, operator, or occupant of any residence, place of business, or other building, structure, or place where people congregate, reside, or are employed, that is connected to a public sewer system or large or community onsite sewage system.
4. These regulations shall apply to licensed and/or certified contractors, or other persons, that perform any type of work, construction, repair, replacement, adjustment, modification, or improvement to any onsite sewage system.
5. These regulations shall not be applied to industrial wastewater, and industrial wastewater shall not be discharged to any onsite sewage system.

### B. Existing Development or Onsite Sewage Systems.

1. An existing development or OSS in legal existence prior to the effective date of these regulations shall not be required to comply with these regulations --- except for the use, monitoring, and maintenance requirements of **Section 13** which are applicable to all onsite sewage systems --- and is accepted for continued use in the same manner, except upon Health Officer determination of any of the following:
  - a) An OSS determined to be failing; or
  - b) An OSS in need of repair or replacement; or

- c) An OSS or property determined to be a health hazard or nuisance due to inadequate sewage treatment, dispersal, or disposal; or
  - d) An OSS connected to a building or structure that has been modified or expanded without approval from the Health Officer and/or applicable building department; or
  - e) An OSS not being used consistent with the terms and conditions of its permit approval or its original intended use.
2. An existing development or OSS in legal existence prior to the effective date of these regulations shall be required to comply with these regulations when the property owner, owner's agent, occupant, or operator, proposes and/or implements an expansion, or modification, of an OSS or property after the effective date of these regulations.
3. The Health Officer may waive compliance with these regulations for an existing development or OSS in legal existence prior to the effective date of these regulations when material facts are presented to show that the proposed repair, replacement, expansion, or modification is compatible with, and does not adversely impact, public health or the existing permitted OSS or approved reserve area as determined by the Health Officer. The Health Officer may require applications and fees to submit these material facts.
- C. Property with a valid Building Site Application, or OSS Installation Permit, submitted to, and on file with, the Health District prior to the effective date of these regulations:
- 1. Shall be acted upon in accordance with the regulations in effect at the time of formal submittal, including but not limited to its period of validity and expiration date;
  - 2. Shall have a maximum period of validity of three (3) years and thirty (30) days from the date of submittal, or remain valid for an additional year beyond the effective dates of these regulations, whichever assures the most lenient expiration date; and
  - 3. May be required by the Health Officer to be modified if the Health Officer determines that a potential threat to public health may result without modification.
- D. Large or Community Onsite Sewage Systems: Onsite sewage systems with a design capacity of more than 3,500 gallons per day shall be subject to the applicable state regulations, except in the event of an OSS failure, or other threat to public health from the continued use of the system, whereby the Health Officer may require emergency mitigation measures to protect

public health.

- E. Onsite Sewage Systems designated by the Health Officer as Non-Conforming: Onsite sewage systems that have been determined by the Health Officer to be non-conforming shall be required to comply with these regulations and modify the OSS as required by the Health Officer when the property owner, owner's agent, occupant, or operator proposes and/or implements an expansion or modification of an onsite sewage system, or property served by the onsite sewage system, after the effective date of these regulations.

## SECTION 5: Definitions and Acronyms

Words not specifically defined herein shall be construed according to their common dictionary definition.

### **Definitions**

**Accepted** – a written statement of approval by the Health Officer.

**Accessible** – easily approached and capable of being reached without extraordinary effort. Situated to allow for typical, and required, service and repair outside of locked structures and/or fences, and located between ground level and five (5) feet above ground level.

**Accessory Dwelling Unit – Detached** – a secondary residence on a single building lot, that contains provisions for sleeping, cooking, and sanitation. Such buildings are located on lots that meet the minimum land area requirement for each living unit for onsite sewage and water supply, are subject to zoning and land use regulations, and generally meet the onsite sewage requirements that are applicable to a primary residence.

**Accessory Dwelling Unit – Attached** – a separate dwelling unit contained within, or directly connected by a minimum of four feet to the habitable space of, the primary residence.

**Additive** – a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.

**Alternative System** – an OSS other than a standard gravity system or standard pump-to-gravity system.

**Approved Materials List** – materials approved by the Health Officer for OSS construction.

**Area of Special Concern** – an area of definite boundaries delineated through public process, where a local Health Officer, or the Department in consultation with the Health Officer, determines additional requirements for onsite sewage systems may be necessary to reduce potential failures or minimize negative impact of onsite systems upon public health.

**Atypical Wastewater** – wastewater produced in a building, structure, etc., that has characteristics atypical of residential strength wastewater due to the use of, volume of, or production of wastewater constituents that are not typically found in residential wastewater.

**Bed or Dispersal Bed** – a soil dispersal component consisting of an excavation with a width greater than three (3) feet.

**Bedroom** – a room used for sleeping in accordance with the applicable jurisdictional building department.

**BL** – an acronym for “bacteria level”.

**Black Water** – any waste from toilets or urinals.

**Board of Health** – a governing body formed under, and subject to, Chapters 70.05 and 70.46 RCW to protect the public health of Kitsap County.

**Building Clearance Application** – a written application to the Health Officer, on forms provided by the Health Officer, requesting approval of a building proposal for an existing development that utilizes an OSS under the purview of these regulations.

**Building Drain** – that part of the lowest piping of a building’s drainage system that receives the discharge of sewage from pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

**Building Sewer** – that part of the horizontal piping of a drainage system extending from the building drain, or main plumbing stub-out, beginning two (2) feet outside of the building wall which collects sewage from all the drainage pipes inside a building, to convey it to an OSS or public sewer.

**Building Site Application** – written application to the Health Officer, on forms provided by the Health Officer, requesting acceptance of a proposed OSS and water system for a particular building lot or tract of land under the purview of these regulations.

**Certification** – a license granted by the Health Officer permitting a person to practice in the field of onsite sewage systems, such as an installer, maintenance specialist, or sewage pumper.

**Cesspool** – a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

**Change in Use** – when building or property converts from one type of established activity to another; e.g., residential to commercial, single-family to multi-family, office to restaurant, etc.

**Commercial** – the non-residential use of a structure, building, or building lot or property for monetary or commercial gain; a place of business, or where work intended for commerce is performed, or where commerce is gained by use of the property (e.g., rental property).

**Community Sewage Disposal System** – any system of piping, treatment devices and/or other facilities that convey, store, treat and/or dispose of sewage at the same property site, or on an adjacent or nearby property under the control of the users, where the system is not connected to a public sewer system and which is designed to serve more than one (1) single family dwelling, or one (1) multiple family dwelling, but does not exceed 3500 gallons of sewage volume per day. Does not include a single lot with a one single family residence and one or two accessory dwelling unit(s) or one guest house or one special care unit, unless an alternative OSS is used.

**Concurrence** – agreement in action; agreement in opinion or design.

**Conforming System** – any onsite sewage system, except an experimental system, meeting any of the following criteria:

1. Systems in full compliance with new construction requirements under this ordinance; or
2. Systems approved, installed and operating in accordance with the conditions of Health Officer approval at the time the system was installed; or
3. Systems permitted by the waiver process under WAC 246-272A or these local regulations that assures public health protection by higher treatment performance and/or other methods.

**Construction Living Quarters** – a temporary living unit with provisions for sleeping, cooking, and sanitation occupied during the construction of a primary residence and connected to an approved onsite sewage and water system.

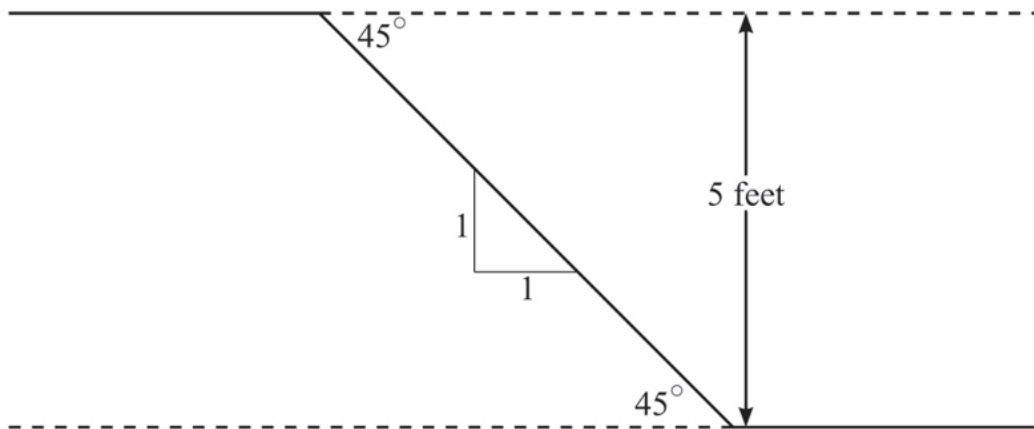
**Continuing Education Unit (CEU) Credit** – ten (10) hours of contact participation in an organized educational experience under qualified direction and sponsorship, qualified instruction and approved by the Health Officer.

**Covenant** – a recorded agreement stating certain activities and/or practices are required or prohibited.

**Cover Material** – soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

**Curtain Drain** – a device designed and/or constructed to intercept and route groundwater, or surface sheet-flow, away from an onsite sewage system, and to maintain the required minimum vertical separation for the soil dispersal component.

**Cuts and/or Banks** – any naturally occurring or artificially formed slope which is greater than one hundred percent (forty-five (5) degrees) and extends vertically at least five (5) (5) feet from the toe of the slope to the top of the slope(See illustration below).



**Dangerous Waste** – any waste as defined by WAC 173-303-040, or as amended.

**Date of Approval** – the specific date of written Health Officer approval of an application or permit submitted under the purview of these regulations.

**Date of Submittal** – the specific date that formal application, along with respective fees, is made to the Health Officer.

**Department** – the Washington State Department of Health.

**Design** – plans, specifications, and scaled drawings that detail how a proposed development will be constructed, modified, or expanded to meet applicable regulations for onsite sewage systems and/or water supply.

**Design Capacity** – the maximum waste strength that a specific OSS is permitted by the Health Officer to receive on a daily basis; may also be defined as the type of use a building or structure is permitted to have by the Health Officer based on the maximum design flow and waste strength (e.g., residential, commercial, food establishment, school, etc.).

**Design Flow** – the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four (24)-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the OSS components are based on the design flow.

**Designer** – a person who matches site and soil characteristics with appropriate onsite sewage technology and regulations; this term applies to both onsite sewage treatment system designers licensed under Chapter 18.210 RCW and professional engineers licensed under Chapter 18.43 RCW.

**Detention Pond** – an earthen impoundment used for the collection and temporary storage of stormwater runoff.

**Development** – the creation or existence of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity that may result in the production of sewage on a parcel of property.

**Disinfection** – means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

**Distribution Box** – a watertight structure, which receives and conveys effluent between different components of an onsite sewage system.

**Distribution Pipe** – an approved perforated pipe used to disperse sewage effluent into or within a soil dispersal component, including all pipe fittings.

**Distribution Technology** – any arrangement of equipment or materials that distributes sewage within an OSS. Also known as a SSAS or drainfield.

**Disturbed Soils** – soil materials that have been displaced from their original location, or soils that have been disturbed, compacted, etc., such that they will no longer allow the normal and intended absorption, percolation, or leaching of sewage effluent or water.

**Dosing Tank** – see pump tank.

**Down-gradient** – the path and direction of least resistance that water will flow towards upon surface of the ground or upon encountering a water table or a restrictive layer within 60 inches the ground surface as measured on the down-slope side of a hole, soil log, or excavation; the likely path that water will travel towards from a water or sewage source, including nearby cuts and/or banks that are on the same horizontal elevation as a soil dispersal component.

**Drainage Ditch** – a man-made or natural channel that conveys surface water that is under the influence of ground water during the wet season and not wholly dependent upon a rain event to contain and convey water; seasonal surface water; not a roadside ditch. A water body that is classified as surface water cannot be classified as a drainage ditch.

**Drainfield** – see soil dispersal component.

**Drainrock** – clean washed gravel, or crushed rock, ranging in size from three (3)-quarters inch to two (2) and one-half inches, and containing no more than two (2) percent by weight (8) passing a US No. 8 sieve and no more than one percent by weight (8) passing a US No. 200 sieve.

**Drop Box** – see distribution box.

**Easement** – an official or formal right, such as a right of way, afforded a person(s) to make limited use of another's real property.

**Ecology** – the Washington State Department of Ecology.

**Effluent** – a sewage-based liquid discharged from a septic tank or other OSS component.

**Effluent Pipe** – that part of the system of drainage piping which conveys sewage effluent out of the septic tank or other treatment facility to the distribution pipe of the onsite sewage system, including all pipe fittings.

**Engineer** – a person who is licensed as a Civil or Sanitary Engineer in the state of Washington and in good standing under chapter 18.43 RCW.

**E. Coli-Escherichia Coli Bacteria** – counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection, typically expressed as colony forming units per 100 milliliters.

**Equal Distribution** – a method or design to disperse effluent in equal volumes amongst soil dispersal laterals of the same length.

**Existing Development** – any type of development that was present prior to the effective date of these regulations.

**Expanding Clay** – a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

**Expansion** – a change in a building, structure, facility, site, development, or use that:

1. Causes the sewage quality or quantity to exceed the existing design flow or design capacity of the OSS (e.g., when a residence is increased from three (3) to four (4) bedrooms, a change in use of a building from an office to a restaurant, etc.);
2. Increases the existing use of the property through the addition of new buildings or structures (e.g., adding accessory dwelling units) over and above the existing development; or
3. Reduces the treatment or dispersal capability of the existing OSS or reserve area (e.g., when a building is placed over a reserve area, when a driveway or animal pasture is allowed over a primary area, etc.).

**Expiration Date** – a specific point in time for an application, permit, etc., that when surpassed changes the status of the application, etc., from valid to invalid. The date an application or permit ceases to be valid.

**Extremely Gravelly** – soil with sixty (60) percent or more, but less than ninety (90) percent rock fragments by volume.

**Failure or Failing** – a condition, or malfunction, of an onsite sewage system, or a connection to a public sewer system, that threatens human or public health or safety, as determined by the Health Officer, by inadequately treating, conveying, and/or dispersing of sewage, or by creating a potential for direct or indirect contact between sewage and humans. 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.
3. Sewage backing up into a structure caused by slow soil absorption of sewage effluent or the state of an OSS when the sewage effluent is not conveyed to the soil dispersal component as permitted, designed, or intended;
4. Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;
5. Any component of an OSS or public sewer connection found to be broken, in disrepair, or not functioning as intended, except malfunctions;
6. Inadequately treated sewage effluent contaminating ground water or surface water. This may be demonstrated through testing and/or sampling by utilizing procedures described in the Manual of Protocol For Conducting Onsite Sewage System Sanitary Surveys in Kitsap County, Washington, 6th Edition, as it now exists or as hereafter amended;



7. Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists; or inadequately treated effluent contaminating ground water or surface water;
8. Noncompliance with standards stipulated on the permit, with the regulations in effect at the time the system was approved for use, or with the regulations in effect at the time the structure was constructed or modified.

**Fecal Coliform or FC** – bacteria, common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate the presence of, or potential contamination from, sewage or to describe a level of needed disinfection for sewage treatment.

**Fill** – Unconsolidated material that meets soil Types 1-6 textural criteria and is used as part of a soil dispersal component, is used to change grade or to enhance surface water diversion, or is any other human-transported material.

**Floodplain** – an area that is low-lying and adjacent to a stream or river that is covered by water during a flood.

**Food Service Establishment** – a building or structure where food is prepared for human consumption; see definition in WAC 246-215-011 (12).

**Footprint** – the perimeter area of a building or structure where that building or structure meets the ground surface; may be represented by a slab foundation, footing of a wall foundation, or the perimeter of a mobile home or manufactured home, and may include driveways, patios, carports, etc.

**Functionality** – the quality or state of being functional.

**Generator** – any person, by site, whose act or process produces sewage.

**Gravelly** – soils with fifteen percent or more, but less than thirty-five (35) percent rock fragments by volume.

**Gray Water** – all sewage from a building, structure, or property except that portion from toilets; also known as “grey” water.

**Gross Land Area** – the horizontal area within the boundary lines of a lot, including the area to the centerline of an adjoining road or street right-of-way (Method II), but excluding tidelands, shore lands and the panhandle of a flag lot if the panhandle is less than thirty feet in width.

**Ground Water** – subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include: (1) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports; and/or (2) spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of ground water caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. See also water table.

**Guest House** – a living unit, without provisions for cooking, separated from the primary residence; not a stand-alone residence or dwelling unit.

**Habitable** – buildings or structures intended for human occupancy, containing electricity, plumbing, and provisions for sleeping and/or cooking.

**Hazardous Substance** – any hazardous substance as defined by WAC 173-303-040, as amended.

**Health District** – the Kitsap County Health District.

**Health Hazard** – a condition or situation, as determined by the Health Officer, where disease potential exists and if unabated the disease potential will increase and may result in a public health problem or emergency.

**Health Officer** – the Health Officer of the Kitsap County Health District, or his or her designee.

**Holding Tank Sewage System** – an OSS which incorporates a sewage tank without a discharge outlet, requiring the off-site treatment and disposal for the sewage collected and removed from the holding tank by a certified pumper. A holding tank sewage system is considered an alternative system for the purposes of these regulations.

**Hydraulic Loading Rate** – the amount of effluent applied to a given treatment step, normally expressed as gallons per square foot per day.

**Impervious Layer** – a layer of sediment or soil that is cemented or compacted to such an extent that little or no water or plant root penetration is possible.

**Incomplete** – not finished or complete; deficient and lacking.

**Individual Water Supply** – well or source of water serving up to two (2) single-family residences.

**Industrial Wastewater** – the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

**Infiltration Pond** – an earthen impoundment used for the collection, temporary storage, and infiltration of stormwater run-off.

**Infiltration System** – a designed structure or feature consisting of gravel and a network of pipe or gravelless chambers used for the purpose of dispersing or infiltrating water into soil.

**Infiltrative Surface** – surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

**Insanitary** – unclean enough to endanger health; contaminated.

**Installation** – the act of construction or installing; a system of OSS components set up for use.

**Installer** – a qualified person approved by the Health Officer to install or repair an OSS or its components.

**Invert** – the bottom of a pipe as measured from the interior wall of the pipe.

**Large Onsite Sewage System (LOSS)** – any onsite sewage system with design flows, at any common point, greater than 3,500 gallons/day, defined under WAC 246-272B.

**Legal Existence** – construction or development that was/is permitted (e.g., onsite sewage system, building, water system, etc.) and conformed to the conditions of approval at the time the permit was issued.

**Locking Type** or **Secured Cover** – a lid to a septic tank or pump tank that is bolted down, latched or fastened tightly in place.

**Maintenance** – the actions necessary to keep the OSS components functioning properly and as designed; required upkeep.

**Malfunction** – a damaged or deficient previously conforming OSS component that may be corrected by means of a minor repair.

**Massive Structure** – the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

**May** – discretionary, permissive, or allowed.

**Minimum Usable Land Area** – the minimum land area within the minimum lot size required per development using an OSS, which is based on soil type and type of water supply. Minimum usable land area is free of all physical restrictions and meet minimum vertical and horizontal separations.

**Minor Repair** – the repair or replacement of any of the following existing damaged or malfunctioning OSS components except the replacement of a sewage tank, treatment component, or soil dispersal component is not considered a minor repair:

1. Building sewers;
2. Any other portions of tightline in the OSS;
3. Risers and riser lids;
4. Sewage tank baffles;
5. Effluent filters;
6. Sewage tank pumps and lids;
7. Pump control floats;
8. OSS inspection boxes and ports.

**Moderate Structure** – well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material not in peds.

**Modification** – the act of modifying; an alteration or change; to change the form of. The expansion, change in use, change in footprint, remodel of, addition to, or alteration of a development or OSS connected to the development. Includes a change of ownership, tenants, or users of commercial developments.

**Monitoring** – periodic or continuous checking of an onsite sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

**Monitoring and Maintenance Service Provider** – a person certified by the District to perform maintenance and monitoring of onsite sewage disposal systems.

**Native Soil** – the top layer of the earth's surface in its natural state and undisturbed and, over time, has developed definite soil horizons from a parent material through soil forming processes. The soil horizons contain living roots and plant and animal activities, which are in part, responsible for the formation of soil structure and porosity.

**Non-conforming System** – any OSS that has limited or restricted use and meets none of the following criteria:

1. Systems in full compliance with new construction requirements under this ordinance; or
2. Systems approved, installed and operating in accordance with the conditions of Health Officer approval at the time the system was installed; or

3. Systems permitted by Table 8 or the waiver process under these local regulations that assures public health protection by higher treatment performance and/or other methods.

**Operating Capacity** – the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

**Onsite Sewage System** – an integrated system of components, located on or nearby the property it serves, that conveys, treats, stores, and/or provides subsurface soil treatment and dispersal of sewage; any system constructed or utilized to handle sewage generated on a property other than a connection to a state approved sanitary sewer system or large onsite sewage system. Also known as “septic system”, “OSS”, “holding tank system”.

**Operation** – the act or process of operating or functioning or using an onsite sewage system.

**Ordinary High Water Mark** – the mark on all lakes, streams and tidal waters, found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation, as that condition exists on the effective date of these regulations, or as it may naturally change thereafter. The following definitions apply where the ordinary high water mark cannot be found: The ordinary high-water mark adjoining saltwater is the elevation at mean higher high tide; and the ordinary high-water mark adjoining freshwater is the line of mean high water.

**Owner** – a person, or persons, who has legal title to, or possession of, real property, a building, structure, or place of business, etc.

**Owner’s Agent** – a person or business that an owner authorizes to represent them.

**Ped** – a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

**Period of Validity** – a specified time period for which an application or permit is valid.

**Permit** – written permission issued by the Health Officer accepting the construction or repair or use of an onsite sewage disposal system, for a specific purpose, under these rules and regulations.

**Person** – any individual, corporation, company association, society, firm, partnership, joint stock company, or any governmental agency or the authorized agents of these entities. For the purposes of these regulations, a person is defined to include:

1. Applicant;
2. Reapplicant;
3. Permit holder; or
4. Any individual associated with 1, 2, or 3 above, including, but not limited to:
  - a. Board members;
  - b. Officers;
  - c. Managers;
  - d. Partners;
  - e. Association members;
  - f. Agents; and
  - g. Third persons acting with the knowledge of such person.

**Planned Unit Development (PUD)** – a development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

**Platy Structure** – soil that contains flat peds that lie horizontally and often overlap. This type of structure impedes the vertical movement of water.

**Plumbing Fixtures** – an object in a building or structure that is connected to both the water supply and the wastewater collection systems; e.g., toilets, kitchen or bathroom sinks, bathtubs, showers, dishwashers, laundry machines, etc.

**Pressure Distribution** – a system which equally distributes effluent under pressure throughout a trench or bed.

**Primary Area** – an area of land approved by the Health Officer for the installation of a soil dispersal component.

**Professional Engineer** – a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

**Project Proposal** – an idea, plan, or application for a development.

**Property Conveyance** – the transfer of title of property from an owner/owners to a different owner/owners.

**Proprietary Device or Method** – device or method classified as an alternative system or a component thereof that is held under a patent or trademark.

**Public Domain Technology** – a sewage treatment and/or distribution technology, method, or material not subject to a patent or trademark.

**Public Sewer System** – a sewerage system owned or operated by a city, town, municipal corporation, county, or other approved ownership, consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and approved by or under permit from the Department of Ecology, the Department of Health or the Health Officer.

**Public Water System** – as defined in WAC 246-290, 236-291, and Kitsap Public Health Board Ordinance 2018-01, as amended.

**Pump Basin** – a watertight receptacle that contains a pump to convey sewage from a limited use area, that is separate from the main wastewater sewer pipe leaving a structure, to the main treatment component of an onsite sewage system; typically much smaller than a pump tank and separate from the main sewer pipe due to elevation restrictions. Pump basins are intended for limited, specialized uses, and not intended as a replacement or substitute for a pump tank.

**Pump Tank** – a watertight receptacle placed after a septic tank or other treatment facility that contains the required controls and alarms to convey sewage effluent to a dispersal component.

**Pumper** – a person approved by the Health Officer to remove and transport wastewater or septage from onsite sewage systems to approved wastewater treatment plants.

**Record of Construction** – an accurate, scaled graphic and written record of the location and features of the OSS that are needed to properly locate, monitor and maintain that system; includes other site-specific features such as the building, well(s), storm water systems, utilities, reserve area, property lines, etc., for a specific property; typically an official record, prepared and signed by a licensed or certified sewage contractor, of an OSS associated with a Health Officer approved permit or application. Also known as an “as-built.”

**Record Drawing** – a scaled, graphic and written record of the approximate location and type of an unpermitted septic system for a developed property, including existing structures and wells on the property; typically an unofficial record for informational purposes only created during the property conveyance process.

**Red-lined** – the marking, or amendment, of an existing plan or application to reflect and document actual site conditions, or construction details; typically completed in red ink so that the marked details are in contrast, and readily discernable, from the original document. May also apply to corrections or qualifications made by the Health Officer to an application in review.

**Registered** – approved and accepted for use by Washington State Department of Health in accordance with WAC 246-272A.

**Remediation** – any action, approved by the local health officer, which attempts to restore the function of a previously conforming OSS dispersal component that has failed. Remediation is not considered:

1. A minor repair;
2. A repair;
3. An additive; or
4. A treatment of distribution technology that allows the OSS to meet a specific treatment level.

**Remodel** – the modification of an existing development or structure within the existing footprint or foundation, without increasing the volume or strength of sewage above the permitted design capacity of the onsite sewage system.

**Repair** – to restore a broken or malfunctioning system component to a sound or healthy state by fixing or replacement in the same area or configuration of the broken component; does not include relocation or replacement of an entire onsite sewage system.

**Replacement** – the reconstruction and/or relocation of a failed OSS that cannot be repaired in place.

**Reserve Area** – an area of land approved by the Health Officer for the installation of a conforming system and dedicated for replacement of the OSS upon its failure.

**Resident Owner** – a person who constructs, remodels or repairs a dwelling occupied by him/her or intended to be occupied by him/her for at least two (2) years.

**Residential Sewage** or **Residential Wastewater** – sewage having the constituency and strength typical of wastewater from domestic households. Residential strength sewage should, after normal treatment through a septic tank, be at, or below, the following levels: CBOD5=125 mg/L; TSS=80 mg/L; and Oil & Grease=20 mg/L, or meet the effluent quality criteria of their respective treatment level required for their site.

**Restrictive Layer** – a stratum impeding the vertical movement of water, air and growth of plant roots such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

**Roadside Ditch** – a man-made or natural channel that conveys storm water and is mostly dependent upon a rain event to contain and convey water.

**Rock Fragment** – means rock or mineral fragments having a diameter of two (2) millimeters or more; for example, gravel, cobbles, stones, and boulders.

**Scum** – a mass of sewage solids floating at the surface of the sewage which is buoyed up by entrained gas, grease, or other substances.

**Seasonal Surface Water** – natural surface water bodies that normally do not contain water during the dry season (June through September), or are classified as seasonal or non-significant by the Washington State Department of Fish and Wildlife, Department of Ecology, or a local planning authority.

**Seasonal Water Table** – the upper surface of a saturated zone that exists only on a periodic or seasonal basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate. However, a temporary groundwater table and associated saturated zone will dissipate (dry up) for a period of time each year.

**Seepage Pit (Dry Well)** – an excavation more than three (3) feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent.

**Septage** – liquid or solid material removed from sewage tanks, cesspools, portable toilets, type III marine sanitation devices, vault toilets, pit toilets, recreational vehicle holding tanks, or similar systems that receive only domestic sewage.

**Septic System** – see onsite sewage system.

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

**Septic Tank Effluent** – partially treated sewage which is discharged from a septic tank.

**Serial Distribution** – an arrangement of absorption trenches, seepage pits, or seepage beds so that each is forced to pond so as to utilize the total effective absorption area before liquid flows into the succeeding absorption component.

**Sewage** – any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, sewage is generally synonymous with household or residential wastewater.

**Sewage Contractor** – a person or business certified by the Health District to work on or with onsite sewage systems.

**Sewage Producer** – see generator.

**Sewage Quality** – means contents in sewage that include:

1. CBOD<sub>5</sub>, TSS, and O&G;
2. Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;
3. Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

**Sewage Tank** – a prefabricated or cast-in-place septic tank, pump chamber, dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to OSS including tanks for use with proprietary products.

**Sewer Pipe** – tightline pipe that conveys sewage from a building or structure to a septic tank or other approved sewage tank, including all pipe fittings.

**Shall** – mandatory ;must, required, and/or obligatory.

**Short Subdivision** – a division of land as defined in Kitsap County Ordinance 108-E-1991 now or as hereafter amended.

**Single-Family Residence** – generally a stand-alone, habitable dwelling or structure designed and intended to house one family, or a group of individuals, that will not create sewage volumes or waste strength in excess of what the OSS is intended, or approved, to handle.

**Site Plan** – construction plan.

**Slope** – a measure of elevation change of a defined section of land, ground surface, pipe, etc., expressed in percent or fraction and calculated by dividing the amount of rise of elevation change over the run, or a specific horizontal distance.

**Soil Dispersal Component** – a technology that releases and distributes sewage effluent from a sewage treatment component into the ground. Also known as a drainfield, SSAS or distribution technology.

**Soil Log** – a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage. Can also refer to the test pit itself, which must be constructed/excavated according to the requirements of these regulations.

**Soil Permeability** – the quality of the soil that enables it to transmit water and/or air, as outlined in the U.S. Department of Agriculture Handbook, Number 18, entitled Soil Survey Manual.

**Soil Scientist** – a person who by reason of special knowledge of chemical and biological sciences applicable to soils, as natural bodies and of the methods and principles of soil classifications, mapping, description and soil use evaluation as acquired by education and experience.

**Soil Type** – a numerical classification of fine earth particles and coarse fragments as described in Section 10.D.1.d)8. Table 3.

**Special Care Unit (Mother-in-Law)** – a temporary dwelling that is an extension of the primary residence and which requires an annual renewable permit through the Department of Community Development. The minimum design flow for onsite sewage sizing is 120 gallons/day/bedroom.

**SSAS** – a subsurface soil absorption system that is a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock 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.

**Standard Methods** – the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

**Standard System** – an OSS consisting of a septic tank (and possibly a pump tank) and gravity flow soil dispersal system; includes pump-to-gravity system configurations that operate on-demand.

**Storm Dependent** – a situation, conditions, or event that is dependent upon a storm to occur.

**Storm Water Infiltration Dispersal Area** – a soil dispersal system for storm water, only.

**Strong Structure** – peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

**Subdivision** – a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.



**Subsurface Drip System** – an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping, also known as dripline.

**Subsurface Infiltration System** – a storm water control system designed to convey and discharge storm water run-off to a subsurface drainage system.

**Suitable** – original, undisturbed, unsaturated soil of soil types 1-6 with at least the vertical separation required for the SSAS type.

**Surface Water** – any body of water, whether fresh or marine, which either flows or is confined in a natural or artificial depression or drainage course and normally contains water (excluding rain events) during any of the months from June through September, or has been identified as a significant drainage feature or resource by the Washington State Department of Fish and Wildlife, Department of Ecology, or the applicable planning authority. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, swamps, marshes and tidal water. Artificially constructed water bodies with an impermeable liner are not considered surface water.

**Surge Capacity** – a factor of sewage volume above the operating capacity used to determine the minimum design flow capacity for an OSS for a particular building, property, or activity.

**Tightline** – a non-perforated watertight pipe used for the purpose of conveying sewage or effluent.

**Timed Dosing** – delivery of discrete volumes of sewage to the dispersal component at prescribed time intervals.

**Total Suspended Solids (TSS)** – total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

**Treatment Component** – a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

**Treatment Level** – one of eight (8) levels (A, B, C, BL1, BL2, BL3, E & N) used in these rules to:

1. Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and
2. Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

**Treatment Component Sequence** – means any series of treatment components that discharges treated sewage to the soil dispersal component.

**Typical Sewage** or **Wastewater** – see Residential Sewage or Wastewater.

**Undisturbed Soil** – soil that has not been disturbed.

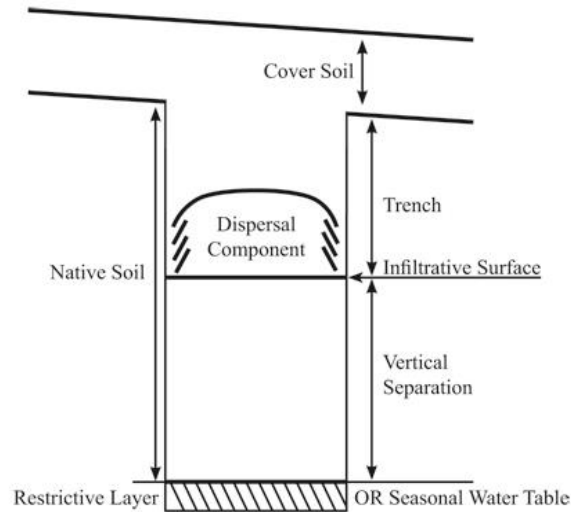
**Unit Volume of Sewage** – the flow of sewage from a single-family residence, a mobile home site in a mobile home park, or 450 gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

**Up-gradient** – opposite of down-gradient.

**Unknown OSS** – an OSS that was installed without the knowledge or approval of the local health jurisdiction, including those that were installed before such approval was required.

**Unpermitted Sewage Discharge** – the discharge of sewage or treated effluent from an unknown OSS.

**Vertical Separation** – the depth of unsaturated, original, undisturbed soil of soil types 1–6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 7 (See illustration below as example).



**Very Gravelly** – soil containing thirty-five (35) percent or more, but less than six (60) percent rock fragments by volume.

**Waste Management Plan** – a written procedure that details how solid and liquid wastes will be handled in conformance with applicable regulations.

**Waste Strength** – the quality and level of sewage constituents, or parameters, including, but not limited to temperature, pH, total suspended solids, carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), oils and grease, fecal coliform, etc.

**Water Interceptor** – any natural or artificial groundwater or surface water drainage system including agricultural drain tile, curtain drain, french drain, footing drain, cut banks and ditches, which intercept and divert groundwater or surface water from the area of the absorption facility.

**Water Supply Protection Zone** – the land area around each existing or proposed well site to protect the water supply from contamination.

**Water Table** – the upper surface of the groundwater, whether permanent or seasonal. Also see groundwater.

**Wave Barrier** – a bulkhead of adequate height (8) and construction protecting the immediate area of OSS components from wave action.

**Well** – any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of groundwater for agricultural, municipal, industrial, domestic, or commercial use. The following are not considered a well:

1. A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
2. An observation or monitoring well used to measure the effect of an OSS on a water table;
3. An interceptor or curtain drain constructed to lower a water table; and

4. A dewatering well used temporarily for the purpose of a sewage tank or pump chamber installation.

**Wet Season Evaluation** – an investigation of how a specific site is affected by rainfall conditions between the months of October and April, relative to meeting the requirements of these regulations for vertical and horizontal separations.

**Working Capacity** – the total usable and functional volume of a sewage tank.

**Working OSS** – a system that, by all reasonable observations, testing, and investigation, appears to be functioning properly, not failing, and in conformance with the applicable regulations at the time of permit approval.

### **Acronyms**

**BOD** – biochemical oxygen demand, typically expressed in mg/L.

**CBOD<sub>5</sub>** – carbonaceous biochemical oxygen demand, typically expressed in mg/L.

**DS&G** – Department Standards & Guidance.

**EPA** – United States Environmental Protection Agency.

**GPD** – gallons per day.

**O&G** (formerly referred to as FOG) – oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

**RCW** – Revised Code of Washington.

**TN** – Total nitrogen, typically expressed in mg/L.

**WAC** – Washington Administrative Code.

## SECTION 6: Minimum Standards for Sewage Sanitation

### A. Owner, Operator, and/or Occupant Responsible for Compliance with These Regulations.

1. The owner of any residence, place of business, or other building, structure, vessel, or place where people reside, congregate, or are employed shall be responsible for compliance with all applicable requirements of these regulations.
2. The owner's agent, operator, and/or occupant(s) of any residence, place of business, or other building or structure shall be responsible to reasonably assist the owner to maintain compliance with these regulations (e.g., use and operation of the onsite sewage system, no discharge of sewage, correction of insanitary conditions, etc.), or to comply with these regulations when the owner is unavailable or unresponsive to the Health Officer.

### B. Sewage Discharged to Approved or Health Officer-Accepted Systems, Only.

1. All plumbing fixtures in residences, places of business, or other buildings, structures, etc., where sewage is created shall be connected to, and discharge to, an approved public sewer system, large onsite sewage system, onsite sewage system, or other Health Officer-accepted system, only (e.g., temporary holding tanks, portable toilets, RV sewage dumpsites, certified septic tank pumping trucks or facilities, etc.).
2. Sewage shall not be discharged to the surface of the ground, surface water, ground water, cesspools, un-permitted sewage systems, or allowed to back-up into structures.
3. Sewage shall not be discharged into an OSS that has been installed, modified, repaired, or maintained in violation of these regulations.

### C. Health Officer Investigation and Determination of Insanitary or Nuisance Conditions.

It shall be the responsibility of the Health Officer to investigate reports of insanitary or nuisance conditions related to sewage, and to determine if insanitary or nuisance conditions exist.

### D. Correction of Insanitary or Nuisance Conditions, or Violations of these Regulations.

Conditions determined by the Health Officer to be insanitary, a nuisance, or a violation as the result of a sewage discharge, or inadequate sewage collection, conveyance, treatment, dispersal or disposal, shall be corrected as directed by the Health Officer. In order to protect public health from insanitary conditions, the Health Officer may require:

1. Pump-out and removal of sewage by a certified pumper;
2. Submittal of plans and permits;
3. Construction or use of interim, or temporary, sewage components or systems;
4. Temporary shut-off of water supply;
5. Vacation of the premises or property; and/or
6. Other measures as deemed reasonable and necessary by the Health Officer.

**E. Plans Review and Approval Required.**

1. Prior to or concurrent with applying for a building permit, or prior to beginning a construction process, the owner, or owner's agent, proposing or intending the construction, modification, repair, replacement, or change in use of a new or existing OSS - including the building(s) or structure(s) connected to the OSS - shall submit plans and/or applications as required by these regulations to the Health Officer for review and approval, except where expressly specified otherwise in these regulations.
2. Upon submittal of plans and/or applications to the Health Officer for review and approval pursuant to these regulations, the owner shall consent to reasonable and necessary inspections by the Health Officer to determine applicability and compliance with these regulations. Failure to provide, or withdrawal of, consent shall constitute grounds for Health Officer denial of the plans or application.
3. When application is made by a person other than the owner of a subject property, it shall be the responsibility of the applicant to obtain owner consent for inspections of the property prior to submitting any applications to the Health Officer.
4. Health Officer approval of plans and/or applications is required in order to validate the plans for use.

**F. Installation Permit, Inspection, and Approval Required.**

1. Prior to the construction, modification, enhancement, improvement, repair, or replacement of a new or existing onsite sewage system, the owner or owner's agent shall complete and submit a OSS Installation Permit application to the Health Officer as required by these regulations.

2. Health Officer approved plans/applications shall be required in order to obtain an OSS Installation Permit application pursuant to these regulations.
3. Compliance with other applicable requirements of these regulations shall be required to obtain an OSS Installation Permit application.
4. Upon submittal of a permit application to the Health Officer for review and approval, the owner shall consent to reasonable and necessary inspections by the Health Officer to determine applicability and compliance with these regulations. Failure to provide, or withdrawal of, consent shall constitute grounds for Health Officer denial of the permit application.
5. When application is made by a person other than the owner of a subject property, it shall be the responsibility of the applicant to obtain consent for inspections of the property prior to submitting any applications to the Health Officer.
6. Health Officer approval of the OSS Installation Permit is required prior to the use of the constructed, expanded, altered, modified, repaired, replaced, new, or existing onsite sewage system.

#### G. Specific and Limited Use of Onsite Sewage Systems.

1. Onsite sewage systems are specifically intended to receive sewage typical of the type and strength commensurate with normal residential and domestic human uses (e.g., urine, feces, and the water carried human wastes, including kitchen, bath, and laundry wastes, etc.; See definition of "sewage").
2. The following are prohibited from being discharged into an onsite sewage system:
  - a) Strong acids, bases, or chlorinated organic solvents;
  - b) Sewage system additives that have not been approved for use by the Department;
  - c) Sewage atypical of a residential, domestic human source;
  - d) Industrial process water or industrial wastewater;
  - e) Cooling or air conditioner water or condensate;

- f) Water softener brine or backwash;
  - g) Swimming pool or hot tub water or filter wastes;
  - h) Storm water;
  - i) Ground water;
  - j) Medicines or bodily fluids in sufficient volume or strength to interfere with the normal and intended OSS processes;
  - k) Hazardous materials or substances;
  - l) Dangerous waste;
  - m) Sewage wastes from recreation vehicle holding tanks or marine sanitation devices, except when no holding tank chemicals have been used and the discharge has been pre-approved by the Health Officer;
  - n) Pet wastes or excrement except when approved by the Health Officer through the use of a holding tank system; or
  - o) Any other substances determined by the Health Officer to be a threat to the public's health or detrimental to the proper functioning of the onsite sewage system.
3. The volume and waste strength of sewage discharged to an OSS shall stay at, or below, the designed, permitted, or intended maximum volume and waste strength capacity.

#### H. Connection to an Approved Public Sewer System.

- 1. When adequate public sewer services are available within two (2) hundred (200) feet of an existing residence, place of business, or other building, structure, or place where people reside, congregate, or are employed, the Health Officer, upon failure of the existing onsite sewage system, or determination of insanitary conditions, may:
  - a) Require connection to the public sewer system; or
  - b) Permit the repair or replacement of the OSS only when a conforming system or a system designed in compliance with or proposing to use Table X in WAC 46-

272A-0280 can be designed and installed.

2. Except as noted above in **Section 6.H.1.b**, the owner of a failing OSS shall abandon the system as directed in **Section 6.I.** and connect to a public sewer system when:
  - a) The distance between the residence, building, structure, etc., where sewage originates is two hundred (200) feet or less as measured along the usual or most feasible route of access; and
  - b) The public sewer system utility allows the sewer connection; or
  - c) Required by the Health Officer to protect public health.
3. The owner of a residence, building, structure, etc., served by a non-conforming OSS, an OSS permitted as a repair under Table X of WAC 246-272A-0280, or an OSS where waivers were granted due to the inability to meet required horizontal or vertical setbacks required at the time of system construction, shall abandon the system according to the requirements **Section 6.I.**, and connect to a public sewer system when:
  - a) Connection is deemed necessary to protect public health by the Health Officer;
  - b) An adequate public sewer system becomes available within two hundred (200) feet or less as measured along the usual or most feasible route of access; and
  - c) The public sewer system utility allows the sewer connection.
4. The Board of Health may require a new development to connect to a public sewer system to protect public health.
5. The Board of Health shall require new development, or a development with a failing onsite sewage system, to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.
6. The Health Officer may require a building or facility with an actual, anticipated, or designed sewage volume of 1,000 gallons per day or greater to connect to a public sewer system greater than two hundred (200) feet away if it is determined that the connection is reasonable, feasible, and allowed by the public sewer system utility.
7. The Health Officer may require a development greater than two hundred (200) feet away from a public sewer system to connect to the public sewer system if required under the



local comprehensive plan.

I. Abandonment of Onsite Sewage Systems.

1. Persons abandoning or permanently discontinuing use of an onsite sewage system, any type of sewage or septage tankage, seepage pit or cesspool, or other sewage container shall:
  - a) Have the contents removed by a certified pumper;
  - b) Disconnect and cap all inlet and outlet piping;
  - c) Remove or crush the tank in place, or fill the void space of the tank with soil or gravel;
  - d) Fill and cover any remaining void spaces to existing grade with soil or gravel; and
  - e) Complete and submit to the Health Officer a Tank Abandonment Form with the septage pumping report/receipt resulting from **Section 6.1.1.a.**

J. Health Officer Certification Required for OSS Installers, Maintenance Service Providers, and Pumpers.

No person or business shall engage in the installation of, or construction on, onsite sewage systems (including expansion, alteration, modification, repair, replacement, enhancement, remediation, etc.), or maintenance of onsite sewage systems, or the pumping and transporting of sewage, unless certified to do so pursuant to these regulations.

K. Licensing Required for Engineers or Designers.

No person or business shall engage in the design of onsite sewage systems unless licensed by the Washington State Department of Licensing under Chapter 18.210 RCW or Chapter 18.43 RCW.

L. Applicability of other Board of Health Regulations – Compliance Required.

As applicable under other Board of Health regulations for drinking water supply, food establishments, solid waste, etc., compliance with those regulations is required as a condition of Health Officer approval for plans, applications, or permits required under these regulations.

## SECTION 7: Local Management Plan – Adoption by Reference

The Local Management Plan required under WAC 246-272A-0015, Local Management and Regulation, when adopted by the Board of Health, shall be incorporated herein by reference and expressly made part of these regulations.

## SECTION 8: Local Policies – Adoption by Reference

- A. The Health Officer shall have the authority to interpret these regulations and may develop and implement policy, within the scope of these regulations, as they determine necessary to protect public health.
- B. **Appendix A** of these regulations, Local Standards and Policies, as it now exists or is hereafter amended, is hereby adopted by reference and expressly made part of these regulations.
- C. Local standards and policies may be developed and adopted by the Policy Development and Problem Resolution Committee pursuant to **Section 9** of these regulations.

## SECTION 9: Policy Development and Problem Resolution Committee

- A. The purpose and intent of the policy development and problem resolution committee is to assist the Health Officer protect, preserve, promote and improve public health and safety by:
1. Providing feedback and perspective about onsite sewage systems from the private sector;
  2. Establishing, and modifying as necessary, minimum standards of sewage sanitation;
  3. Minimizing or eliminating the potential for public exposure to sewage; and
  4. Minimizing or eliminating the adverse effects of sewage discharges to the ground, surface water or ground water, back-ups of sewage into structures, or inadequate treatment and control.
- B. The Health Officer shall:
1. Maintain and oversee a policy development and problem resolution committee to:
    - a) Advise and assist the Health Officer to develop and implement local standards and policies related to the location, design, installation, use, operation, maintenance, repair, modification, expansion, monitoring, and oversight of onsite sewage systems; and
    - b) Serve as a hearings advisory board, at the discretion of the Health Officer, to assist in administrative appeals to the Health Officer pursuant to **Section 20** of these regulations; and/or
    - c) Advise and assist the Health Officer to resolve problems related to the administration of these regulations and/or the location, design, installation, use, operation, maintenance, repair, modification, expansion, monitoring, and maintenance of onsite sewage systems prior to the filing of an administrative appeal pursuant to **Section 20** of these regulations.
  2. Select and appoint five (5) to ten (10) members for the policy development and problem resolution committee with technical or scientific knowledge, or experience, applicable to onsite sewage systems from among the following:
    - a) Local designers or engineers licensed by the State of Washington;

- b) Local installers certified by the Health Officer;
  - c) Local monitoring and maintenance service providers certified by the Health Officer;
  - d) Local pumpers certified by the Health Officer;
  - e) Local builders or realtors;
  - f) Local building or land use departments;
  - g) Health District staff;
  - h) Other local, state, federal, or tribal agencies; and/or
  - i) Other interested organizations or groups.
- 3. Convene and run meetings as needed, but at a minimum semi-annually.
  - 4. Provide reasonable notice of committee meetings and agenda items.
  - 5. Distribute policy recommendations of the committee in at least the following manner:
    - a) Sending notice to local Health District certified contractors via email;
    - b) Posting policy decisions and notice thereof on the Health District's website and at the front counter at the Health District's main office; and
    - c) Adding the policy decision to the Appendix A, Local Policies, of these regulations.

C. Appointed committee members:

- 1. May serve a term of up to three (3) years;
- 2. May serve multiple terms at the discretion of the Health Officer;
- 3. May request the use of an alternate at the discretion of the Health Officer; and
- 4. Are encouraged to seek feedback and input from their peers.

- D. The implementation of policy recommendations from the committee are at the discretion of the Health Officer.

## SECTION 10: Application and Design Requirements – New Construction

### A. Purpose and Applicability.

1. The purpose of the following requirements is to establish the minimum standards for OSS design as they relate to proposed new development and the unique site conditions of a subject property.
2. It is the intent of these requirements to guide and enable the owner, designer, and Health Officer to comply with these regulations and to select, and design, the most appropriate OSS to meet regulatory, site, and owner demands.
3. These new construction requirements shall apply to:
  - a) New construction of any building or structure that proposes, or requires, water supply and plumbing and where connection to an approved public sewer system is not possible;
  - b) Modification and/or expansion of an existing building or structure that requires an OSS when such activities can reasonably be determined by the Health Officer to:
    1. Result in sewage flow or volume above the permitted design capacity of the existing OSS (e.g., increasing the number of bedrooms; increasing the number of residents, occupants, students, customers, employees, etc.; changing the use of the building, structure, or onsite sewage system; etc.); and/or
    2. Result in sewage waste strength above the permitted design capacity of the existing OSS (e.g., converting a residence to a business, or vice versa; adding commercial food handling or preparation activities; etc.); and/or
    3. Result in a decreased capacity of the OSS (including reserve area).
4. These new construction requirements may apply to non-expansion building proposals for existing development for which there is no record of permit approval of the OSS (including the reserve drainfield area) pursuant to the requirements in **Section 11** of these regulations.
5. Upon submittal of material facts and information regarding the OSS for a specific building proposal for an existing development, the Health Officer may waive, at their

discretion, compliance with these new construction requirements, or direct the applicant to comply with other less stringent sections of these regulations when it is determined that public health will not be put at risk by the proposal and the intent of these regulations will be met.

6. The Health Officer may, at their discretion, allow the application of the marine shoreline expansion provisions of WAC 246-272A-0290 (2) when it is determined that the intent of these regulations can be met by such application.
7. The Health Officer may develop the application and design information required for a development proposal, as allowed under WAC 246-272A-0200 (3) and WAC 246-272A-0230(1)(b), as needed to protect public health.

#### B. General and Application Requirements:

1. Onsite sewage systems shall only be designed by persons meeting the definition of “designer” under WAC 246-272A-0010(2), except as specified in **Section 10.A.7**.
2. Project proposals shall meet the minimum land area requirements specified in **Section 15**.
3. Project proposals shall be submitted to the Health Officer for review and consideration through a completed Building Site Application form, and shall address both OSS and water supply requirements.
4. Unless otherwise approved by the Health Officer, each OSS proposal shall have a separate Building Site Application prepared and submitted for review unless a shared dispersal component (i.e., community system) is proposed.
5. When a shared OSS or dispersal component is proposed, the Health Officer may require a Building Clearance Application to be prepared and submitted for each additional connection to the shared system.
6. Property owners and/or their authorized agent shall:
  - a) Contract with a designer, as specified in **Section 10.B.1.**, to complete and submit a Building Site Application form, for water supply and onsite sewage treatment, to the Health Officer prior to beginning the construction process;



- b) Obtain Building Site Application approval from the Health Officer prior to beginning the construction process;
- c) Obtain a OSS Installation Permit prior to constructing a new onsite sewage system, or connecting to an existing and permitted onsite sewage system;
- d) Be responsible for the prompt payment of all Health Officer fees related to application submittal, review, and approval;
- e) Be responsible for the oversight of their contractors and of the applications submitted on their behalf;
- f) Ensure compliance with all applicable rules and regulations related to the development of their property;
- g) Inform their designer of all known restrictions, encumbrances, or special conditions related to the development or use of their property;
- h) Inform their designer of all proposed structures and uses of the property related to the proposed development;
- i) Be responsive to Health Officer requests for additional information needed to demonstrate compliance with these regulations; and
- j) Consent to reasonable and necessary inspections to ascertain compliance with these regulations as they relate to the development proposal.

2. Designers shall:

- a) Contract their services only when their licensure is in good standing and in conformance with the applicable regulations;
- b) Adhere and conform to the requirements of their licensing and these regulations;
- c) Specify only components, products, processes, systems, or technologies that are registered or approved, as applicable, by the Department or Health Officer;
- d) Design and locate onsite sewage systems on the property that the system is intended to serve unless the appropriate and applicable easements have been

obtained;

- e) Use forms and reporting systems designated for use by the Health Officer. For projects that qualify as new construction, the designated application form is a Building Site Application for OSS and Water Supply;
- f) Promote and demonstrate compliance in their designs and applications with applicable rules and regulations related to onsite sewage systems, especially those related to the siting, installation, and monitoring and maintenance of the onsite sewage system;
- g) Be responsible for including and addressing in their submittals to the Health Officer all known restrictions, conditions, encumbrances, etc., that may affect compliance with these regulations;
- h) Coordinate with the property owner to address water supply requirements as applicable to the proposed development in their designs;
- i) Coordinate with the property owner to address building permit and storm water requirements as they relate to the OSS and water supply aspects of the proposed development;
- j) Stipulate additional requirements for a specific development proposal if necessary to protect public health;
- k) Only submit legible and complete application information;
- l) Clearly label and identify all application information, and site features at the property site, so that it can reasonably be determined what specific site and/or application the information has been submitted for; and
- m) Be responsive to Health Officer requests for additional information needed to demonstrate compliance with these, or other applicable, regulations.

3. The Health Officer shall:

- a) Respond to an application submittal within thirty (30) days as required in RCW 70.05.074;
- b) Approve only designs and applications that utilize components, products, processes, systems, or technologies that are registered or approved, as

applicable, by the Department or Health Officer;

- c) Approve only designs and applications that meet the requirements and intent of these regulations;
- d) Develop forms and applications that meet the requirements of WAC 246-272A-0200;
- e) Specify the expiration date on the approved design application;
- f) Specify the reason for denial or revocation of an application, including applicable code citations;
- g) Not issue final approval for any application or development proposal where all applicable Health Officer fees have not been paid in full; and
- h) Include a reminder on the application of the applicant's right of appeal.

4. The Health Officer may:

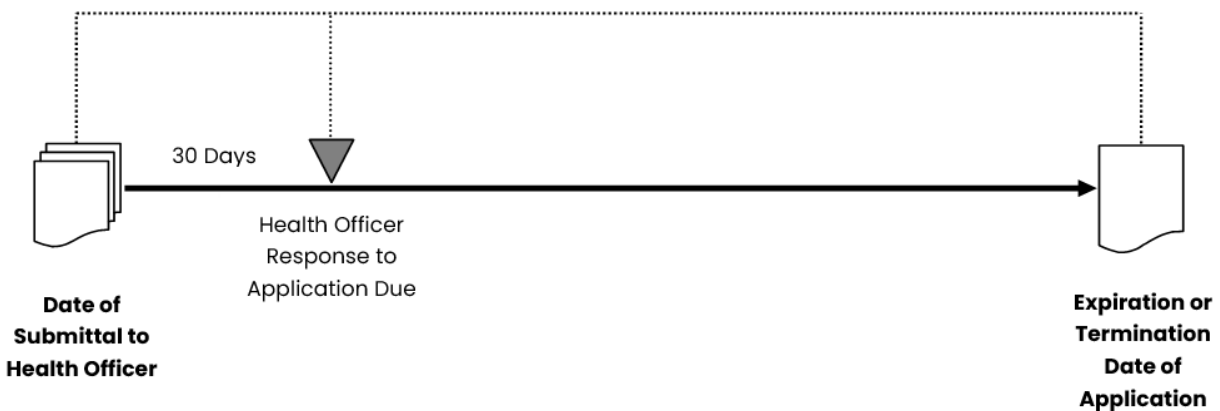
- a) Coordinate with the designer and/or owner (or owner's authorized agent) to address minor omissions, errors, or shortcomings that hinder compliance with these regulations;
- b) Stipulate additional requirements for a specific development proposal if necessary to protect public health;
- c) Deny or return applications that do not conform to these regulations; and/or
- d) Refuse to accept applications from designers for whom there is documentation of:
  - 1. Repeated or multiple instances of disciplinary action taken against them by their licensing entity;
  - 2. Repeated or multiple instances of incomplete or unprofessional work;
  - 3. Repeated or multiple instances of misrepresentation or concealment of material fact;

4. Repeated or multiple instances of failure to follow and conform to these regulations, including the pre- and post- construction verification and concurrence to proceed requirements; and/or
  5. Failure to correct violations, or pay applicable fees, within a time period established by the Health Officer.
- e) Rescind approved applications when:
1. Public health is deemed to be threatened by continued implementation of the Building Site Application;
  2. It has been determined that the approved plans or designs are not being followed;
  3. It has been determined that errors or omissions were made in the design or approval of the Building Site Application, or that conditions have changed with respect to the approved Building Site Application; or
  4. It has been determined that there has been misrepresentation, non-disclosure, or concealment of material fact in the application information submitted by the designer or owner or owner's agent.
5. Building Site Application Timelines (See **Figure 1**).
- a) Building Site Applications shall have a maximum period of validity of three (3) years and thirty (30) days from the date of submittal to the Health Officer to receive approval from the Health Officer and to apply for a building permit.
  - b) The Health Officer shall respond within thirty (30) days to the formal submittal of a Building Site Application. The Health Officer shall respond to the designer and the property owner or owner's agent as identified on the submitted application.
  - c) Approved Building Site Applications shall expire, and no longer be valid, three (3) years and thirty (30) days from the date of submittal.
  - d) Building Site Applications that have been approved by the Health Officer shall be marked as such, including the date of approval and the date of expiration, and will be made available to the applicant.

- e) Building Site Applications that remain incomplete at three (3) years and thirty (30) days after date of submittal shall be marked by the Health Officer as “expired”, and returned to the designer. Building Site Applications marked as such shall be deemed invalid. A building permit shall not be issued for a development proposal, subject to these new construction requirements, without a valid and approved Building Site Application.
- f) Building Site Applications that have been denied or rescinded by the Health Officer shall be marked as such, and will be made available to the designer and the applicant. Building Site Applications marked as such shall be deemed invalid. A building permit shall not be issued for a development proposal, subject to these new construction requirements, without a valid and approved Building Site Application.
- g) After formal submittal of a Building Site Application to the Health Officer, only the designer of record or the owner/owner’s agent identified on the application may request the withdrawal of the application. Such request shall be made in writing and submitted to the Health Officer. The Health Officer is not obligated to refund application fees for submitted applications, regardless of whether a withdrawal request is submitted.

**Figure 1**  
**Timelines for Building Site Application Review & Validity**

3 Years and 30 Days to Attain Approval and Apply for Building Permit



### C. Design Procedures and Requirements.

- 1. Site Plan Requirements. All Building Site Applications submitted pursuant to the requirements of this section shall include site plans that:

- a) Conform to the specifications contained in the Site Plan Requirements Policy contained in **Appendix A** of these regulations, including the requirements of WAC 246-272A-0200(1)(c); and
  - b) Account for and address the information gathered by meeting the requirements of **Section 10.C.** of these regulations.
2. Records Search and Review. The designer shall, in coordination with the owner/owner's agent, search out, review, and account for records relating to the property and its proposed development, including but not limited to the following:
- a) Property lines, easements, or other encumbrances;
  - b) Neighboring properties as relevant to the development proposal;
  - c) Onsite sewage applications and permits;
  - d) Public sewer system availability;
  - e) Public water systems and private wells;
  - f) Public water supply availability;
  - g) Land use, zoning, storm water, and/or plat conditions; and
  - h) Critical areas as identified by the respective planning agency.
3. Site Evaluation and Location.
- a) The designer shall conduct site evaluation(s) as needed to:
    1. Identify and map property dimensions and orientation; existing structures, features, general topography, pertinent elevation points, and drainage patterns; utilities; and other conditions relevant to the development of the OSS and conformance to these regulations;
    2. Identify potential locations for onsite sewage components and proposed structures related to the proposed development; and
    3. Account for, and adhere to, the minimum horizontal separations identified in **Tables 1A, 1B, and 1C.**

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**Table 1A**  
**Minimum Horizontal Setback Requirements (in Feet) to OSS Components**

Objects or Features Requiring Setback	Edge of Primary & Reserve Soil Dispersal Areas	Sewage Tanks & Distribution Boxes	Sewer Pipe and nonperforated distribution pipe
Well – nonpublic or private	100	50	50
Public drinking water well	100	100	100
Public drinking water spring or surface water measured from the ordinary high-water mark <sup>1</sup>	200	200	100
Nonpublic drinking water supply spring or surface water measured from the ordinary high-water mark	100	50	50
Nonpublic, in-ground, drinking water containment vessel <sup>2</sup>	20	10	10
Pressurized water supply line or easement for water supply line <sup>3</sup>	10	10	10
Closed geothermal loop <sup>4</sup> or pressurized nonpotable water line	10	10	10
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10	None	None
Surface water measured from the ordinary high-water mark	100	50	10
Building foundation <sup>5</sup> , artificial ponds with liners, catch basins, in-ground swimming pool, or other sewage disposal components	10	5	2
Property or easement line <sup>5</sup>	5	5	None
Irrigation canal or irrigation pond	100	50	10
Seasonal Surface Water – Ordinary High Water Mark	30	10	10
Roadside Ditches	15	None	None
Interceptor/curtain drains/foundation drains/drainage ditches	Down-gradient 30 Up-gradient 10	Down-gradient 5 Up-gradient – None	None
Other site features that may allow effluent to surface	Down-gradient 30 Up-gradient 10	Down-gradient 5 Up-gradient – None	None
Down-gradient cuts or banks with 5 ft. or more of original, undisturbed soil above a restrictive layer	25	None	None
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer	50	None	None

<sup>1</sup>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.

<sup>2</sup>Any in-ground containment vessel used to store drinking water.

<sup>3</sup>See the State Department of Health's Class A Waiver Criteria or Health District "Pipe Sleeving Policy" when setbacks cannot be met.

<sup>4</sup>A network of underground piping carrying fluid under pressure used to heat and cool a structure.

<sup>5</sup>The health officer may allow a reduced horizontal separation to not less than two feet when the property line, easement line, or building foundation is up-gradient.

**Table 1B**  
**Minimum Horizontal Setback Requirements (in Feet)**  
**Between Storm Water Control Devices and OSS Components**

Location (With Respect to OSS Components) and Type of Storm Water Control Device <sup>1,2,3</sup>	Edge of OSS Primary or Reserve Soil Dispersal Area	Edge of OSS Sewage Tank or Treatment Tank
<b>UPGRADIENT:</b>		
Individual Lot Infiltration System	30	30
Individual Lot Dispersion System	30	30
Individual Lot Rain Garden	30	10
Individual Lot Downspout Splash Blocks	10	10
<b>DOWN- OR SIDE-GRADIENT:</b>		
Individual Lot Infiltration System	10	10
Individual Lot Dispersion System	10	10
Individual Lot Rain Garden	30	10
Individual Lot Downspout	10	10
<b>UP-, DOWN-, OR SIDE-GRADIENT:</b>		
Regional Infiltration Facility	100	100
Unlined Detention Ponds	30	30

<sup>1</sup>As measured from closest edge of storm water control device.

<sup>2</sup>Discharge point(s) and flow path(s) must be directed away from or around OSS.

<sup>3</sup>OSS components take precedence in cases of horizontal setback conflicts between OSS and stormwater components.

<sup>4</sup>Unlined means any component that has the ability to or intended function of infiltrating the stormwater.

**Table 1C**  
**Minimum Horizontal Setback Requirements (in Feet)**  
**Between Storm Water Control Devices and Private/Public Wells**

Storm Water Control Device <sup>1</sup>	Private Well	Public Well
Individual Lot Infiltration System	30	100
Individual Lot Dispersion System	50	100
Individual Lot Rain Garden	50	100
Individual Lot Downspout Splash Blocks	30	50
Unlined Detention Ponds	50	100
Regional/Commercial Infiltration Facilities	100	100

<sup>1</sup>Discharge point(s) and flow path(s) must be directed away from wells.



- b) Based upon site specific conditions the Health Officer may:
1. Increase the minimum horizontal setback distances in **Tables IA, IB, and IC** if any condition indicates a greater potential for contamination or pollution or system failure (e.g., designated critical areas, areas of special concern, common public access areas or high-use areas where protection of the sewage system or public health is necessary, etc.);
  2. Allow the horizontal separation distance between the edge of a primary or reserve soil dispersal component and a water well, spring, or surface water that is not a public water source if the applicant can demonstrate the OSS meets (a), (b), or (c) of this subsection:
    - a. Adequate protective site-specific conditions, such as physical settings with low hydrogeologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers, an aquitard that separates potable water from the OSS treatment zone, excessive depth to groundwater, down-gradient contaminant source, or outside the zone of influence; or
    - b. Design and proper operation of an OSS with enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in Table VI in WAC 246-272A-0230; or
    - c. Evidence the OSS satisfies the requirements of (a) and (b) above.
  3. Allow a reduced horizontal setback between the system and other objects via a waiver request where reasonable and sufficient justification and mitigation can be demonstrated; refer to **Section 18**, Waiver of Local or State Onsite Sewage Regulations.

#### D. Soil Evaluation and Determination of Vertical Separation.

1. The designer shall:
  - a) Only consider and evaluate potential soil dispersal component areas (primary and reserve) that:
    1. Are located in areas of native, undisturbed soil;

2. Have a general slope of less than forty-five percent (45%) or 24 degrees;
  3. Are not low areas or depressions and are in areas that will allow surface drainage to be diverted away from the dispersal component;
  4. Are easily and reasonably accessible for installation and maintenance;
  5. Are not subject or prone to:
    - a. Flooding, collection and holding of surface water, or high-water tables;
    - b. Encroachment by buildings or other structures;
    - c. Utilities;
    - d. Vehicular traffic;
    - e. Cover by impervious material;
    - f. Landslides or other geologic hazards;
    - g. Inclusion within livestock confinement areas; or
    - h. Other activities that may adversely affect the soil or performance of the onsite sewage system.
- b) Excavate a minimum of two (2) soil logs in the proposed primary area, and one (when primary and reserve areas are immediately adjacent) or two (2) (when primary and reserve areas are not immediately adjacent) soil logs in the proposed reserve area. Soil logs shall be:
1. Located in areas of native and undisturbed soil;
  2. Located and spaced sufficiently to adequately characterize the primary and reserve areas;
  3. Excavated with a backhoe or other sufficient device;
  4. Excavated to a minimum horizontal dimension of 4 square feet;

5. Excavated to a minimum depth of three (3) feet below the designated soil/soil dispersal component interface, or to the maximum annual water table elevation or restrictive layer;
  6. Sufficient to determine soil type, depth, and structural changes;
  7. Sufficient to demonstrate conformance with the proposed sewage treatment and effluent distribution;
  8. Marked and labeled sufficiently to allow for Health Officer inspection and relation to the site plan;
  9. Have a ramp that provides for entry and exiting into the soil log without the need of aid;
  10. Include a physical warning barrier around the soil log when deeper than 3-feet or when located in an area where it may present a public safety hazard;
  11. Sufficient to allow Health Officer inspection and examination of the soil profile;
  12. Measured on the down-slope side of the soil log; and
  13. Conform to WAC 296-155 Part N, Excavation, Trenching, and Shoring when deeper than four (4) feet.
- c) Make an appointment with the Health Officer for a joint site inspection at the site before constructing soil logs for Health Officer inspection that are deeper than four (4) feet. Soil logs deeper than four (4) feet shall be filled with the excavated soil immediately after inspection by the designer and Health Officer.
- d) Inspect, evaluate, and report the following soil log findings in accordance with Chapter 5 of the "Onsite Wastewater Treatment Systems Manual", Environmental Protection Agency 625/R-00/008, February 2002, or as amended, except where specifically directed otherwise in these regulations:
1. Date of soil inspection and evaluation;
  2. Total usable soil depth in inches;

3. Presence of water or foreign materials in soil log;
4. Probable maximum ground water depth measurement from the soil surface;
5. Minimum vertical separation measurement, in inches, to be used to establish the minimum treatment levels, soil application rate, and method of distribution for the onsite sewage system;
6. General percentage and direction of surface slope in the primary and reserve areas;
7. Texture, structure, compaction and/or other characteristics that may affect the soil's ability to treat or disperse effluent; and
8. Soil type(s), and their measurements relative to their location in the soil log profile, from the soil surface, as defined in **Table 2, Soil Type Designations and Descriptions**.

**Table 2**  
**Soil Type Designations and Descriptions**

Soil Type Designation	Soil Type Description
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding Soil Types 5 and 6, all soil types with greater than or equal to 90% rock fragments
2	Coarse sands
3	Medium sands, loamy coarse sands, loamy medium sands
4	Fine sands, loamy fine sands, sandy loams, loams
5	Very fine sands, loamy very fine sands; OR silt loams, sandy clay loams, clay loams, clay loams and silty clam loams with a moderate or strong structure (excluding platy structure)
6	Other silt loams, sandy clay loams, clay loams, silty clay loams
7	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays - <b>Unsuitable for effluent dispersal and soil dispersal components</b>

2. The owner or designer shall fill the soil log excavations with the removed soils upon completion of inspection by the Health Officer.
3. In order to determine or ensure compliance with these regulations, the Health Officer may:
  - a) Require a wet season evaluation (See "Wet Season Evaluation Procedure" in Appendix A) and/or additional site inspections of the proposed soil dispersal

component area.

- b) Require additional soil log excavations, evaluations and/or site inspections as needed to determine compliance with these regulations.
- c) Require a stake-out and field marking of the location, size, and configuration of the proposed dispersal component on the proposed site.
- d) Reduce the required number of soil log excavations for a proposed site development if adequate information already exists, or has previously been developed and is on file with the Health District.
- e) Require inclusion of a water interceptor as part of the design in order to maintain the minimum vertical separation for the designer-specified treatment level proposed.

#### E. Determination of Minimum Sewage Treatment and Effluent Distribution Requirements.

1. The designer shall use Table 3, Minimum Treatment Performance Levels and Method of Distribution, to identify the treatment performance level, and method of effluent distribution for the soil dispersal component, required based on the soil type and vertical separation determinations for the site.
2. The coarsest textured soil within the vertical separation profile selected by the designer shall be used with Table 3 to determine the minimum treatment level and method of effluent distribution.
3. Disinfection may not be used to achieve the fecal coliform requirements to meet:
  - a) Treatment Levels BL1 or BL2 in Type 1 soils; or
  - b) Treatment Level BL3.
4. If the reserve area does not meet the same treatment performance level and method of distribution criteria as the designated primary area, then the designer shall specify the minimum treatment performance level and method of distribution that will be required for the reserve area according to these regulations.

**Table 3**  
**Minimum Treatment Performance Levels<sup>1</sup> and Method of Distribution**

Vertical Separation in Inches	Soil Type		
	1	2	3-6
12 to <18	A & <u>BL1</u> – pressure with timed dosing	B & <u>BL2</u> – pressure with timed dosing	B & <u>BL2</u> – pressure with timed dosing
≥18 to <24	B & <u>BL2</u> – pressure with timed dosing	C & <u>BL3</u> – pressure with timed dosing	C & <u>BL3</u> – pressure with timed dosing
≥24 to <36	B & <u>BL2</u> – pressure with timed dosing	C & <u>BL3</u> – pressure <u>with</u> <u>timed dosing</u>	E – pressure <u>with timed</u> <u>dosing</u>
≥36 to <60	B & <u>BL2</u> – pressure with timed dosing	E – pressure	E – gravity
≥60	C & <u>BL2</u> – pressure	E – gravity	E – gravity

<sup>1</sup>The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

**F. Component Sizing and Construction Requirements.**

**1. General Requirements.**

- a) All designed and specified components shall conform to the maintenance and accessibility requirements in **Section 12** and “*Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual*” in **Appendix A**.
- b) Calculations and assumptions supporting the proposed design, including system operating capacity and design flow are required.
- c) The Health Officer may reject the use of registered proprietary products or public domain technologies when there are insufficient monitoring and maintenance specialists available (a minimum of two (2) separate individuals certified as a monitoring and maintenance specialist in good standing) to service such products or technologies, or when there is available information related to the maintenance, service, performance, warranty, and/or manufacturer support of a treatment component that suggests a potential threat to public health by the continued use of such product or technology.
- d) Single Family Residences – New or Modified:
  - 1. Shall have a minimum design capacity of 240 gallons per day;
  - 2. Shall have a minimum design capacity of 120 gallons per bedroom per day when more than two (2) bedrooms are proposed;

3. May have design capacity of more than 120 gallons per bedroom per day, or may be designed with more bedrooms than will be initially built, to allow for future expansion or increased use; and
  4. Shall have an increased design capacity when the anticipated wastewater volume, based on the proposed use or occupancy of the residence or material fact, will likely exceed the minimum design capacity required under these regulations.
- e) Multi-Family Residences or Multi-Residence Developments (i.e., community systems under 3,500 gallons per day):
1. Each single-family unit or residence shall have a minimum design capacity equal to that of a single-family residence as specified above; and
  2. Each single-family unit or residence shall have its own septic tank or trash trap, vessel, etc., prior to effluent discharge to a treatment component or soil dispersal component, as related to the minimum required treatment performance level for the proposed development.
- f) Non-Residential Buildings, Structures, or Facilities:
1. Shall have design capacities pursuant to "Onsite Wastewater Treatment Systems Manual," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the Department), or as determined by the Health Officer -- in consultation with the designer and owner --- based on available information. Seage flows from other sources of information may be used in determining system design flows if they incorporate both an operating and a surge capacity; and
  2. Shall have a septic tank or trash trap, vessel, etc., for each separate structure or building, prior to effluent discharge to a treatment component or soil dispersal component, as related to the minimum required treatment performance level for the proposed development;
  3. That contain multiple, separate units within a single structure or building may share a common septic tank or trash trap, vessel, etc., when the structure does not include a food service establishment or any other type of use that can generate wastewater that is non-typical of a residential strength (i.e., high strength waste) or in excess of the septic system's

approved design capacity.

g) Sewage Waste Strength and Parameter Quality Considerations.

1. For all proposed developments, the intent of these regulations is to ensure that effluent quality meets residential strength levels prior to discharge to the soil dispersal component. In order to achieve this, the designer shall consider and address, as needed, the following elements for each project proposal:
  - a. The anticipated levels of CBOD, TSS, and O&G in the developments wastewater;
  - b. Other parameters that can adversely affect treatment (e.g., pH, temperature, dissolved oxygen, medicines, etc.); and/or
  - c. The sensitivity of the site or area where the development will occur with respect to the Local Management Plan.
2. For non-residential developments, the designer and owner shall:
  - a. Provide information to show or demonstrate that the sewage strength will not exceed that of a typical residence and will not contain industrial wastewater; or
  - b. Describe how the non-typical residential strength sewage will be treated to typical residential strength levels prior to discharge to the soil dispersal component.
3. The Health Officer may require a project proponent to develop a waste management plan, according to the procedures contained in Appendix A under "Waste Management Plans," for project proposals that include activities, or uses, that may result in sewage waste strength above typical residential waste strength levels. In such cases, the designer shall propose additional and appropriate treatment as needed to meet both:
  - a. Residential strength sewage levels prior to the discharge of sewage to the soil dispersal component; and



- b. The treatment performance level required in **Section 10.E.1. through 3.** of these regulations.
2. Piping Requirements. All piping related to the onsite sewage system, starting two (2) linear feet in any direction from where the sewer pipe exits the foundation, or building footprint, shall meet the following requirements:
- a) Consist of approved materials and construction equivalent to Schedule 40 or ASTM D 3034, or as approved by the Health Officer;
  - b) Include a clean-out located between the building sewer pipe stub-out and the first tank or vessel, be located between two (2) and five (5) feet of the building sewer pipe stub-out; and be accessible as defined in these regulations. A minimum of one clean-out shall be included for every 100 feet of tightline;
  - c) Sewer pipe shall have a minimum diameter of three (3) inches and a minimum design grade of at least one-quarter inch per foot towards the tank units;
  - d) Effluent pipe (excluding pressure lines and perforated piping associated with the soil dispersal component) shall have a diameter of four (4) inches and sufficient grade to prevent any ponding or backflow of liquid within the pipe; and
  - e) Distribution pipe shall conform to, and meet the standards of, the type of soil dispersal component that it is used for.
3. Septic Tank Requirements.
- a) All designed systems shall use a septic tank of appropriate size, except when an approved treatment component is specified and that treatment component does not require the use of a septic tank;
  - b) The septic tank component may consist of either a two (2)-compartment tank, or two (2) single-compartment tanks, provided that the total liquid working capacity meets the minimum liquid volume requirements in **Table 4**, and the liquid working capacity in the first compartment, or first tank, is equal to one-half to two-thirds of the minimum total liquid working capacity.

**Table 4**  
**Required Minimum Liquid Volume Capacity of Septic Tank Components**

Type of Development		Minimum Liquid Capacity (Gallons)
<b>Residence</b>	1 to 4 Bedrooms	1,000
	≥ 5 Bedrooms	1,250 + 250 for each bedroom over 5

<b>Non-Residence</b>	Three times the daily design flow (1,000 gallons minimum)
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- c) Septic tank components shall not be located in areas frequented by vehicles unless specifically constructed and approved as traffic bearing.
- d) Septic tank components shall be designed so that the top of the tank is within three (3) feet of finished grade, or according to the approved tank design specifications.
- e) Septic tanks shall be designed to meet the construction requirements in **Section 12.D.3.**

4. Pump Tank and Pump Basin Requirements.

- a) Pump tanks and pump basins shall generally follow an approved septic tank. When it is not practical or possible to locate a pump tank, or pump basin, following a septic tank, only non-macerator ejector pumps shall be used. Pump basins shall not be substituted for pump tanks and shall only be used for specialized situations at the discretion of the Health Officer.
- b) Pump tanks shall have a minimum liquid working capacity of 1,000 gallons, or one and one-half times the daily design capacity for demand dosed systems, or two (2) times the daily design capacity for time dosed systems, whichever is greater.
- c) Pump tanks for non-residential applications shall be sized appropriately to handle and contain anticipated peak volumes when a peak volume is anticipated to temporarily, periodically, or intermittently exceed the daily design capacity of the dispersal component (i.e., the pump tank will be sized to allow a temporary, periodic, or intermittent peak capacity event to be metered out over two or more days to a dispersal component without exceeding the daily design capacity of the dispersal component over any single 24 hour period).
- d) Pump tanks shall be designed so that the top of the tank is within three (3) feet of finished grade, or according to the approved design specifications. Pump tanks shall be accessible and serviceable under normal conditions.
- e) Pump tanks and pump basins shall be designed to meet the construction requirements in **Section 12.D.4.**

5. Treatment Component Tank or Vessel Requirements.

- a) Treatment components shall have a minimum liquid capacity, or design size, to meet the daily design capacity for the proposed development;
- b) The selection of treatment components shall meet the minimum level of treatment performance as required by **Table 3** in **Section 10.E.**; and
- c) The selection of treatment components shall meet the intended use of the proposed development.
- d) Treatment component tanks or vessels shall be designed to meet the construction requirements in **Section 12.D.6.**

6. Soil Dispersal Components.

- a) All soil dispersal components shall meet the following requirements:
  1. Consist of enough designated area to enable the construction of 100 percent-sized primary and reserve areas based upon the type of soil dispersal component utilized, and include the required setback distances between trenches or beds of the same system;
  2. Be oriented with the natural soil contours (i.e., perpendicular to the direction of slope) such that the infiltrative surface can be constructed level to within a tolerance of plus or minus one inch (excluding drip irrigation);
  3. Be located a minimum of five (5) feet away from the nearest sewage tank or vessel;
  4. Be located at least 30 inches away from the nearest distribution box;
  5. Distribution boxes shall be located at least 30 inches from the nearest sewage tank or vessel;
  6. A minimum of six (6) inches of sidewall must be located in native, undisturbed soil, except for serial distribution configurations where a minimum 12 inches of sidewall must be located in original undisturbed soil, as measured on the down-slope side of the trench;

7. The infiltrative surface may not be deeper than three (3) feet below the finished grade, except under special conditions approved by the Health Officer. In such instances, the depth of such system shall not exceed ten feet from the finished grade;
  8. Include a layer of suitable cover material between six (6) and 24 inches, with a finished grade that will divert surface water away from the soil dispersal component;
  9. Trenches or beds are designed with a minimum of two (2) feet of native undisturbed soil between trenches or beds of the same system;
  10. Beds shall be designed for installation only in Soil Types 2 through 3, or in fine sands, with a width not exceeding 10 feet;
  11. Pressurized soil dispersal components shall be timed dosed at a minimum of six (6) doses per day, or meet the minimum dosing requirements as specified in the *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"* in **Appendix A**.
  12. Any distribution laterals greater than 100 feet in length must use pressure distribution; and
  13. Other features shall conform to *"Onsite Wastewater Treatment Systems Manual,"* USEPA, EPA-625/R-00/008, February 2002, except where modified by, or in conflict with, these regulations.
- b) All soil dispersal components, except drip irrigation components (see **Section 10.F.6.c**), shall be designed to meet the following requirements:
1. The minimum size of the soil dispersal component's infiltrative surface, measured in square feet, shall be determined by:
    - a. The daily design capacity for the proposed development as determined through **Section 10.F.1.**, Component Sizing and Construction Requirements – General Requirements;
    - b. The soil type determined through **Section 10.D.**, Soil Evaluation and Determination of Vertical Separation, or the finest textured soil within the vertical separation profile selected by the designer, whichever

has the finest texture;

- c. The hydraulic loading rate specified in **Table 5**, relative to the soil type determined in **Section 10.D.**; and
- d. The quotient resulting by dividing the daily design capacity by the hydraulic loading rate:

Daily Design Capacity (gallons/day) ÷

Soil Type Hydraulic Loading Rate  
(gallons/feet<sup>2</sup>/day)

= Soil Dispersal Component's Minimum Infiltrative Surface Size (feet<sup>2</sup>).

**Table 5**  
**Hydraulic Loading Rate for Soil Types**

Soil Type	Loading Rate for TLE Standard Residential Effluent	Loading Rate with TLC & BL3 or Higher Using Pressure Distribution
1	1.0	1.2
2	1.0	1.2
3	0.8	1.0
4	0.6	0.8
5	0.4	0.56
6	0.2	0.2
7	Unsuitable	Unsuitable

- 2. The soil dispersal component shall be designed and configured based on the:
  - a. Required method of distribution as determined in **Section 10.E.**;
  - b. Minimum size of the soil dispersal component's infiltrative surface as determined in **Section 10.F.6.b)1.d.**;
  - c. Site-specific conditions (e.g., topography, horizontal setbacks, etc.) or other factors determined applicable by the designer or Health Officer; and
  - d. The number and length of each soil dispersal component lateral, or bed, and the specified horizontal separation between each lateral

and bed.

3. Soil dispersal components having a daily design capacity between 1,000 and 3,500 gallons per day shall:
  - a. Only be located in soil types 1 – 5;
  - b. Only be located on slopes of less than thirty percent (30%) or seventeen (17) degrees; and
  - c. Have pressure distribution and time dosing.
- c) All soil dispersal components utilizing drip irrigation technology shall meet the following requirements:
  1. The dripline must be installed a minimum of six (6) inches into native, undisturbed soil;
  2. The calculation of the absorption area is based on:
    - a. The daily design capacity determined through **Section 10.F.1.**, Component Sizing and Construction Requirements – General Requirements;
    - b. The hydraulic loading rate specified in **Table 5**, relative to the soil type determined in **Section 10.D.**; and
    - c. The current dripline system policy contained in **Appendix A** (e.g., sizing, number and spacing of driplines and emitters, zoning, and other site and soil characteristics, etc.);
  3. The dripline system shall incorporate timed dosing; and
  4. Soil dispersal components having a daily design capacity between 1,000 and 3,500 gallons per day shall:
    - a. Only be located in soil types 1 – 5; and
    - b. Only be located on slopes of less than thirty percent (30%) or seventeen (17) degrees.

- d) All soil dispersal components utilizing drainrock and perforated distribution pipe shall meet the following requirements in addition to **Section 10.F.6.a)**:
  - 1. Consist of approved materials and construction equivalent to Schedule 40, ASTM D 3034, or as approved by the Health Officer;
  - 2. The sidewall below the invert of the distribution pipe is located in native, undisturbed soil; and
  - 3. A minimum of six (6) inches of drainrock is placed below, and a minimum of two (2) inches of drainrock is placed above, the distribution pipe.
- 7. Other Systems, Components, or Technologies. Other types of onsite sewage systems, components, or technologies may be allowed for use by the Health Officer when:
  - a) The department has issued approval, standards, and/or guidelines for usage and it is on the department's registered list;
  - b) It can be demonstrated by the designer that the purpose and intent of these regulations shall be met;
  - c) The manufacturer or distributor can demonstrate that there are a minimum of two (2) adequately trained monitoring and maintenance service providers, certified by the Health Officer, available to service the system or component; and
  - d) A site-specific waiver is submitted to, and approved by, the Health Officer. The Health Officer may require the proposal to meet the Product Development Permit requirements of WAC 246-272A-0170 as part of the waiver process.
- 8. Ground and Surface Water Interceptors. Water interceptors designed or intended to protect the onsite sewage disposal system, or any component thereof, shall be subject to the purpose and intent of these regulations, including but not limited to:
  - a) Plans Review and Approval Required (**Section 10**);
  - b) Permit, Inspection and Approval Required (**Section 12**); and
  - c) Policies (**Appendix A**).

9. Design Requirements for Community Onsite Sewage Systems.

- a) In addition to the design requirements of **Section 10**, community OSS designs shall also include a community OSS management, monitoring, and maintenance program plan that includes the following information:
1. Designation and Approval of Management Entity.
    - a. Management and oversight of community onsite sewage systems shall be provided by an entity approved by the Health Officer; and
    - b. The type of management entity and the degree of management required shall be commensurate with the complexity of the system, the site specific conditions, and the financial assurance program proposed for the system.
  2. Management, Monitoring, and Maintenance Contract. The owners connected to the community system shall maintain a valid management, monitoring, and maintenance contract, with a Health Officer approved entity, that addresses, at minimum, the following information:
    - a. Emergency Response Procedures. These procedures will detail how the management entity shall address the following in response to a system malfunction or failure:
      1. Timely and effective notification to owners and users of the system;
      2. Mitigation of the malfunction or failure to prevent or reduce the occurrence, or extent, of sewage surfacing onto the ground or into surface waters;
      3. Investigation procedures to determine the cause of the malfunction or failure; and
      4. Development and submittal of a repair plan to correct the malfunction or failure of the system.
    - b. Frequency and type of monitoring and maintenance inspections of the system;



- c. Maintenance procedures specifying how needed maintenance will be performed on the system; and
  - d. Minimum record keeping and reporting requirements for monitoring and maintenance inspections, based on the type and complexity of the system.
- b) User Agreement and Financial Assurance Plan. A covenant agreement that is recorded to the title of each parcel connected to the community system that specifies:
  - 1. The responsibility of the owner for complying with the management, monitoring, and maintenance program plan;
  - 2. Procedures for the formation of a homeowners association, and/or contracting with an approved management entity, to ensure conformance to the management, monitoring, and maintenance program plan;
  - 3. The financial assurance plan that will be utilized to collect and disburse funds as necessary to ensure conformance to the management, monitoring, and maintenance program plan; and
  - 4. A statement that notifies the owners that the Health Officer shall have the authority to enforce all aspects of the management, monitoring, and maintenance program plan.
- c) A Notice to Title shall be recorded, with the Auditor, to each parcel connected to the community system to notify persons that the parcel is connected to a community system, and that adherence to the management, monitoring, and maintenance program plan is required with ownership of the parcel.

## SECTION II: Application and Design Requirements – Existing Development

### A. Purpose and Applicability.

1. The purpose of the following requirements is to:
  - a) Establish a standard review procedure for existing development that must utilize an OSS for which there is a proposed and/or implemented modification, expansion, or additional connection to the existing development;
  - b) Determine whether or not a project proposal for an existing development is compatible with the existing OSS and reserve area; and
  - c) Ensure that the project proposal and OSS are in compliance, or will be brought into compliance, with applicable Board of Health regulations.
2. It is the intent of the following requirements to guide and enable the owner, owner's agent, and Health Officer to comply with these regulations and to ensure that the building proposal is compatible with the permitted design capacity of the OSS serving the property.
3. These regulations apply to the following types of situations for existing development:
  - a) There is a proposed expansion or modification of an existing building or structure;
  - b) There is a proposed addition of a building or structure;
  - c) There is proposed replacement of an existing building or structure;
  - d) There is, or has been, a reduction in treatment or dispersal capability of the existing OSS or the reserve area;
  - e) There is a repair of a failing OSS when there is also a proposed and/or implemented building or property modification, expansion, or additional connection to the existing development; or
  - f) When directed by the Health Officer or jurisdictional building or planning department to address and correct code violations.

4. For repair of a failing onsite sewage system, or voluntary improvement or enhancement of a working OSS when there is no proposed expansion, modification, additional connection, remodel, or replacement of existing buildings or structures, the requirements contained in **Section 14** shall apply.
5. The Health Officer may, at their discretion, allow the application of the marine shoreline expansion provisions of WAC 246-272A-0290 (2) when it is determined that the intent of these regulations can still be met by such application, and the project proposal is not located within an area of special concern or marine recovery area designated in the local management plan.
6. The Health Officer may develop the application and design information required for a development proposal as allowed under WAC 246-272A-0200 (3) and WAC 246-272A-0230(1)(b) as needed to protect public health.
7. Upon submittal of material facts and information regarding the OSS for a specific building proposal for an existing development, the Health Officer may waive compliance with these existing development requirements, or direct the applicant to comply with other sections of these, or other Board of Health regulations, when it is determined that public health will not be put at risk by the proposal and the intent of these regulations will still be met.

#### B. General and Application Requirements.

1. Prior to beginning the construction process, a property owner shall apply for, and obtain, Health Officer review and approval according to the guidelines in **Table 6** and **Figures 2 through 4**.
2. The application type and fee for project proposals for existing development shall be determined as follows:
  - a) For expansion or modification of an existing building or structure, refer to **Figure 2**;
  - b) For the addition of a building or structure to an existing development, refer to **Figure 3**;
  - c) For the replacement of an existing building or structure, refer to **Figure 4**; and/or
  - d) To address a reduction in treatment or dispersal capability of an existing onsite sewage system, or reserve area, when there is no proposed expansion,

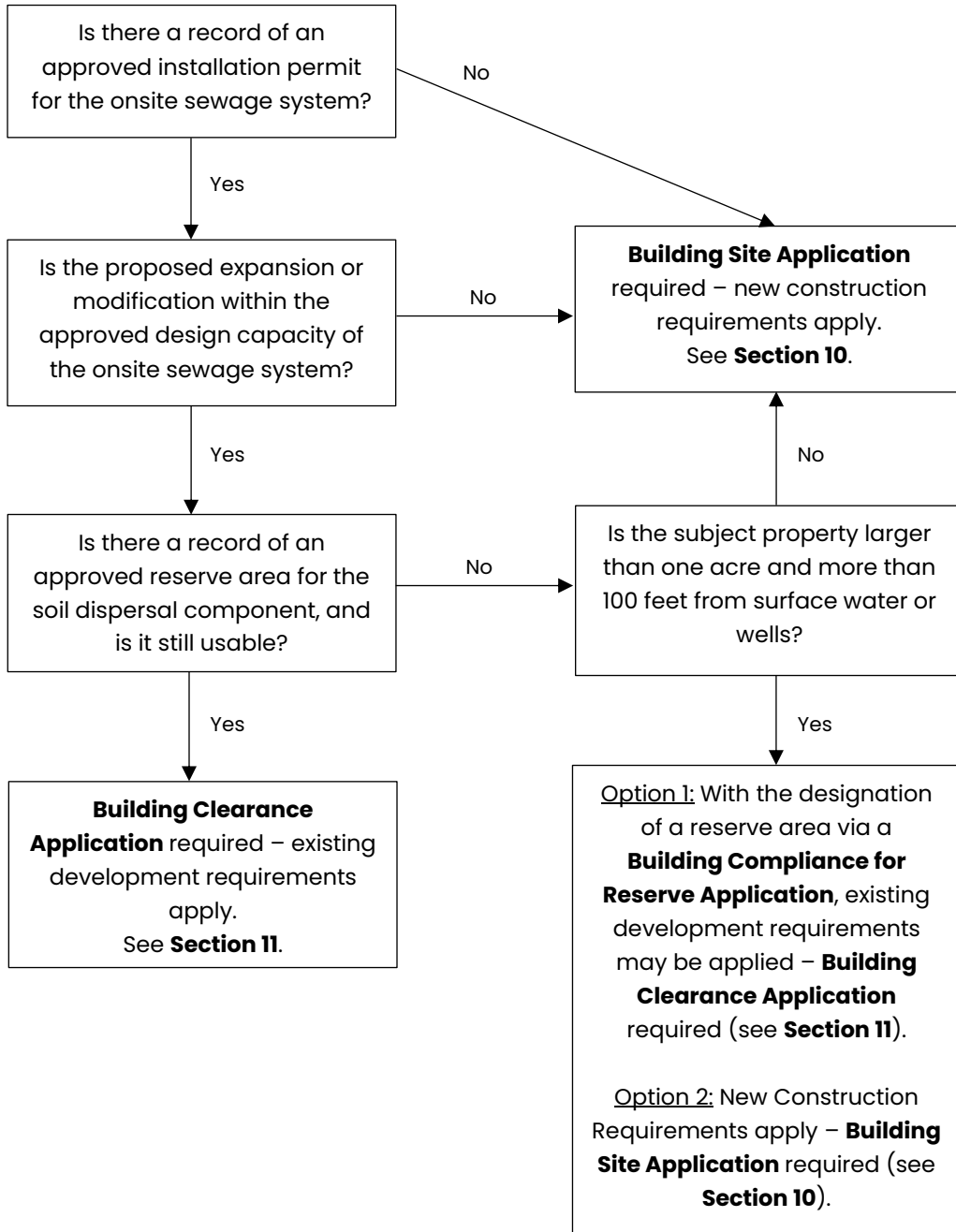
modification, or additional connection; refer to **Section 14**, "*Repair or Replacement of Failing, or Malfunctioning, Onsite Sewage System*".

**Table 6**

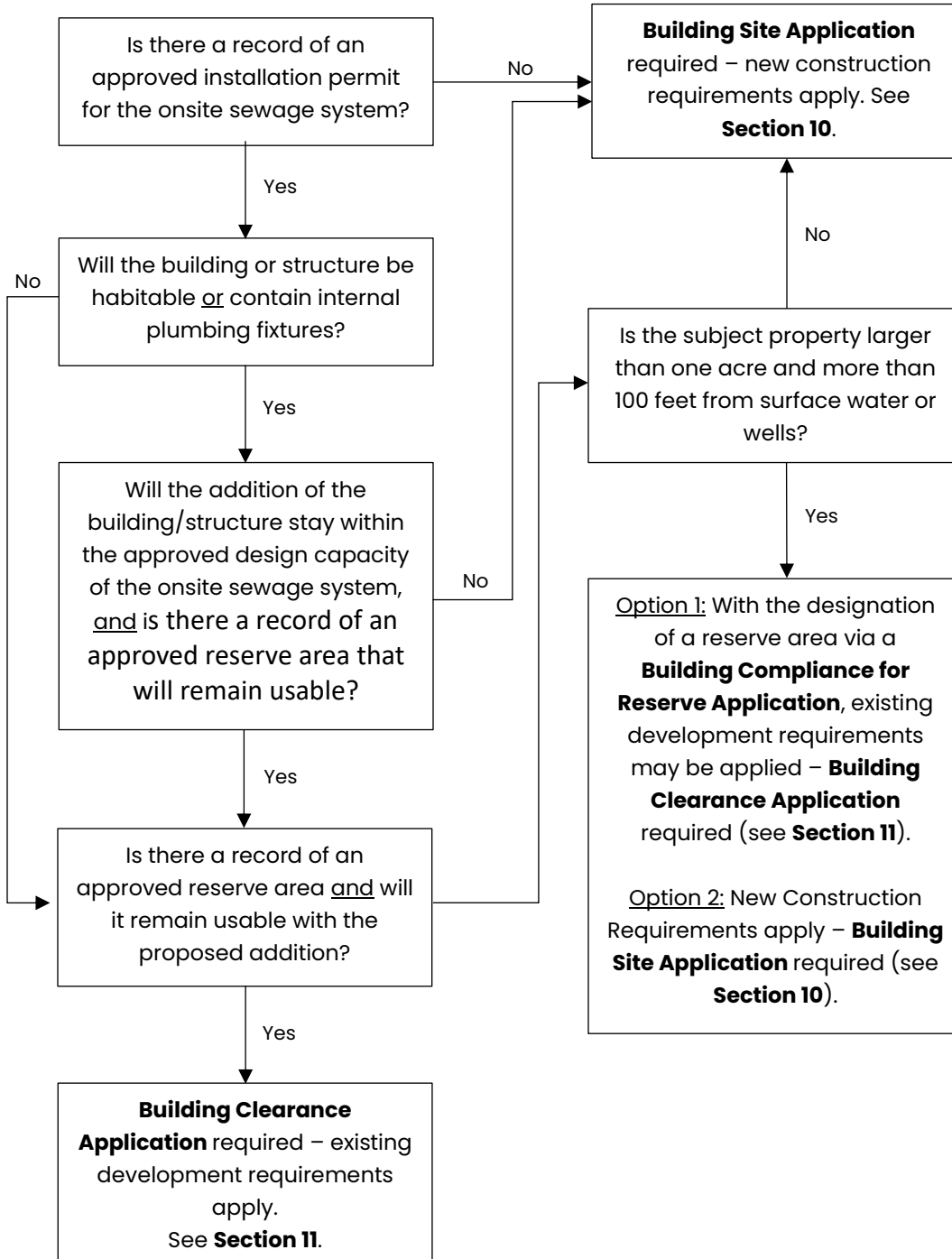
**Guidelines to Determine Application Requirements for Existing Development Utilizing Onsite Sewage Systems With a Proposed Expansion, Modification, Additional Connection, Remodel, or Replacement**

Building Project Proposal Examples	Application Requirements
Increase in number of bedrooms above permitted design capacity	Building Site Application – New or Modification
Increase in water use or number of occupants, employees, students, etc., above permitted design capacity	
Modification with increased wastewater volume or strength (e.g., residential to commercial, office to restaurant, etc.) above permitted design capacity	
Expansion of existing structures (footprint or foundation) with plumbing and no onsite sewage system permit records	
Addition (or additional connection) of habitable structures (e.g., accessory dwelling units, guest houses, etc.) above permitted design capacity	
Reduction in onsite sewage system treatment or dispersal permitted design capacity	
Expansion of existing structures (footprint or foundation) with a permitted primary onsite sewage system with an approved reserve area – no increase in sewage volume or strength, or impact to existing onsite sewage system	Building Clearance Application
Addition of outbuildings or garages with water supply and internal plumbing fixtures (e.g., buildings with no provisions for cooking or sleeping)	
Interior-only remodels (no increase in square footage) for buildings with no record of an approved onsite sewage system (e.g., kitchen remodel)	
Replacement of existing structures with a permitted primary onsite sewage system with an approved reserve area – no increase in sewage volume or strength or impact to existing onsite sewage system	
Addition of new buildings or structures with no water supply or internal plumbing, record of approved onsite sewage system, and property is greater than 1 acre	Building Clearance Exemption
Interior-only remodels within existing permitted design capacity of onsite sewage system (e.g., kitchen remodel)	

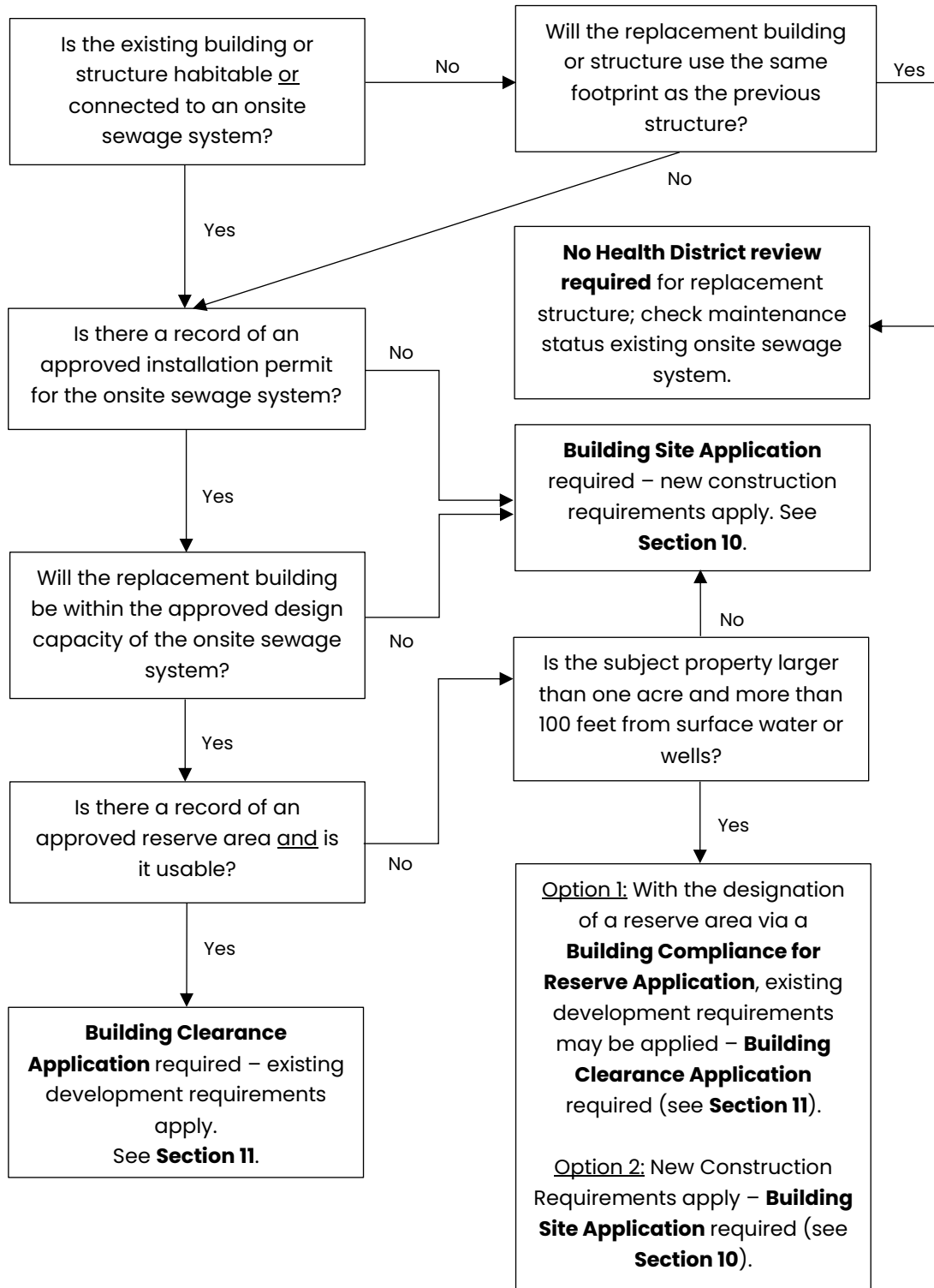
**Figure 2**  
**Guidelines for Determination of Application Requirements –**  
**Expansion or Modification of an Existing Building**



**Figure 3**  
**Guidelines for Determination of Application Requirements –**  
**Addition of Buildings or Structures to Existing Development**



**Figure 4**  
**Guidelines for Determination of Application Requirements –**  
**Replacement of an Existing Building or Structure**



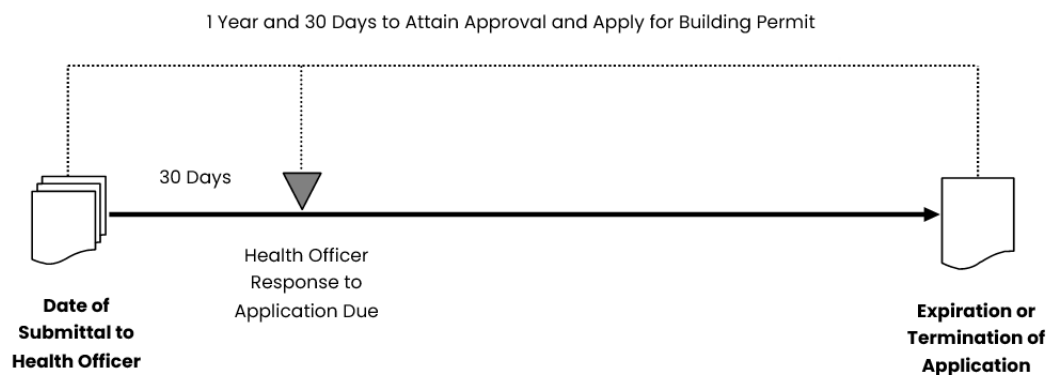


3. When a building proposal contains multiple projects, the most stringent requirements related to any of the project proposals shall apply to the entire project.
4. A Building Clearance Application form may be submitted by the property owner or authorized owner's agent, only, pursuant to the requirements of **Section 11** of these regulations. A Building Site Application shall be prepared and submitted by a state licensed designer or engineer, only, except as allowed in these regulations pursuant to **Section 10** of these regulations.
5. A Commercial Building Clearance Application shall be used for non-residential building proposals unless otherwise directed by the Health Officer.
6. The roles, responsibilities, and requirements contained in **Section 10.B.** of these regulations shall apply to property owners, their authorized agent, and the Health Officer in the Building Clearance Application process, respectively, with the following exceptions:
  - a) A Building Clearance Application form shall be used in lieu of a Building Site Application form; and
  - b) A property owner may fulfill many of the designer responsibilities except for OSS inspection reporting or OSS design.
7. Onsite sewage systems shall only be designed by persons meeting the definition of "designer" under WAC 246-272A-0010(2), except as specified above in **Section 11.A.6.**
8. An OSS Installation Permit may be required as part of the Building Clearance Application when the existing connection to the OSS is modified, or when a new connection to an existing system must be made.
9. Building Clearance Application Timelines for Existing Development (See **Figure 5**).
  - a) Building Clearance Applications shall have a maximum period of validity of one (1) year and thirty (30) days from the date of submittal to the Health Officer to receive approval from the Health Officer.
  - b) The Health Officer shall respond within thirty (30) days to the formal submittal of a Building Clearance Application.
  - c) Building Clearance Applications that have been approved by the Health Officer shall be marked as such, including the date of approval and the date of

expiration, and a made available to the applicant. Approved Building Clearance Applications shall expire, and no longer be valid, one (1) year and thirty (30) days from the date of submittal.

- d) Building Clearance Applications that remain incomplete one (1) year and thirty (30) days after the date of submittal shall be marked by the Health Officer as “expired” and returned to the applicant. Building Clearance Applications marked as such shall be deemed invalid. A building permit shall not be issued for a development proposal, subject to these requirements, without a valid and approved Building Clearance Application.
- e) Building Clearance Applications that have been denied or rescinded by the Health Officer shall be marked as such, and made available to the applicant. Building Clearance Applications marked as such shall be deemed invalid. A building permit shall not be issued for a development proposal, subject to these requirements, without a valid and approved Building Clearance Application.
- f) After formal submittal of a Building Clearance Application to the Health Officer, only the applicant of record or the owner/owner’s agent identified on the application may request the withdrawal of the application. Such request shall be made in writing and submitted to the Health Officer. The Health Officer is not obligated to refund application fees for submitted applications.

**Figure 5**  
**Timelines for Building Clearance Application Review & Validity**



- 10. The Health Officer shall require conformance with the monitoring, inspection, and reporting requirements of these regulations (see **Section 13**) as a condition of approval for existing development project proposals.
- 11. The Health Officer may grant approval of a Building Clearance Application without conducting a site inspection when the applicant can demonstrate compliance with the

Building Clearance Exemption policy contained in **Appendix A** of these regulations.

**C. Design Procedures and Requirements.**

1. The design procedures and requirements contained in **Sections 10.C.** shall apply to property owners, designers, and the Health Officer in the Building Clearance Application or Building Clearance Exemption process, respectively, with the following exceptions:
  - a) A Building Clearance Application form shall be used in lieu of a Building Site Application form;
  - b) A property owner may develop and submit a Building Clearance Application and designate a reserve area according to the requirements of this section;
  - c) For existing development proposals under the purview of the Building Clearance requirements, with a permit record of approval for the onsite sewage system, the designation and availability of a 100% reserve area is a condition of approval; and
  - d) For existing development proposals under the purview of the Building Clearance requirements, with a permit record of approval for the OSS but with no record of approval of an existing and still viable reserve area, a Building Compliance for Reserve Area Application shall be required to establish a reserve area. The Building Compliance for Reserve Area Application shall be prepared and submitted through one of the following methods:
    1. Contracting with a licensed designer; or
    2. Applying for assistance from the Health Officer. The Health Officer may assist the property owner to identify and encumber a reserve area when the property owner:
      - a. Makes application to the Health Officer for such service;
      - b. Can demonstrate compliance with the horizontal separation requirements in **Table 1** through a completed Site Plan;
      - c. Can demonstrate that there is at least 200% of the minimum area required based on the requirements of **Section 10.D.**, Soil Evaluation and Determination of Vertical Separation, available for use on the

property.

2. Building Clearance Requirements for Community Onsite Sewage Systems. In addition to the design requirements of this section, owners/applicants connected to community onsite sewage systems may be required by the Health Officer to develop a compliance plan to come into conformance with the community OSS requirements in Sections (design for new construction, construction and installation, and monitoring and maintenance).
3. Building Clearance Requirements for Commercial/Non-Residential Uses. In addition to the design requirements of this section, owners/applicants of commercial or non-residential uses may be required to develop and submit a develop a waste management plan, according to the procedures contained in **Appendix A** under "Waste Management Plans," for project proposals that include activities, or uses, that may result in sewage waste strength above typical residential waste strength levels. In cases where the anticipated waste strength is above the levels that the existing OSS is designed and approved to accept, a designer may be required to propose additional and appropriate treatment as needed to meet both:
  - a) Residential strength sewage levels prior to the discharge of sewage to the soil dispersal component; and
  - b) The treatment performance level required in **Section 10.E.1. through 3.** of these regulations.
4. Building Clearance Exemptions. Building Clearance Exemptions shall be issued at the discretion of the Health Officer based on the criteria contained within this section and **Appendix A.**

## SECTION 12: Construction and Installation Requirements for Onsite Sewage Systems

### A. Purpose and Applicability.

1. The purpose of the following requirements is to establish the minimum standards for OSS construction and installation.
2. It is the intent of these requirements to guide and enable the owner, designer, installer, and Health Officer to comply with these regulations and to help ensure that onsite sewage systems are constructed according to the approved Building Site Application or Repair Plan, and installed to meet site conditions and protect public health.
3. These requirements shall apply to the construction and installation of new onsite sewage systems, and the modification, repair, replacement, enhancement, and/or improvement of existing onsite sewage systems.
4. Installation Permits for Onsite Sewage Systems Issued Before the Effective Date of these Regulations: The installation requirements of Bremerton-Kitsap County Board of Health Ordinance 1996-8, **Section 12.A.** shall apply.
5. Installation Permits for Onsite Sewage Systems Issued after the Effective Date of these Regulations: All of the requirements of **Section 12** of these regulations shall apply, except for design specifications approved as part of a valid Building Site Application.

### B. General and Application Requirements.

1. Onsite sewage systems, and the components thereof, shall only be constructed, installed, modified, repaired, replaced, enhanced, and/or improved by a Health Officer-certified installer, or the resident owner of a single-family residence according to the requirements of this section, except as allowed under **Section 14**, "Repair or Replacement of Malfunctioning or Failing Onsite Sewage Systems".
2. Prior to beginning the construction, installation, modification, repair, replacement, enhancement, and/or improvement of an onsite sewage system, or the components thereof, the installer or resident owner shall ensure the submittal of a completed OSS Installation Permit application to the Health Officer in accordance with these regulations, except as allowed under **Section 14**, "Repair or Replacement of Malfunctioning or Failing Onsite Sewage Systems".

3. The Health Officer may allow the resident owner of a single-family residence to install, modify, repair, replace, enhance, or improve the OSS for that single-family residence when:
  - a) The primary and reserve areas are not within 200 feet of marine water;
  - b) The primary and reserve areas are not within 100 feet of surface water; or
  - c) The installation permit does not meet Table X standards in WAC 246-272A-0280.
  - d) The OSS is located on the same parcel as the owner's residence, or on a nearby parcel under the control of the single-family residence owner with an approved, recorded easement;
  - e) The OSS is a standard system, and the property contains a Health Officer approved reserve area in addition to the system that the owner desires to construct;
  - f) The designer of record agrees to oversee the installation according to the requirements of **Section 12.C.1.**;
  - g) The resident owner can meet the requirements of **Section 17.E.** and demonstrate competency to the Health Officer in the areas of OSS construction, and state and local onsite sewage regulations;
  - h) The resident owner has not installed an OSS on any other property owned by them and under the jurisdiction of these regulations within the past two (2) years; and
  - i) If the resident owner arranges or contracts for assistance for the system installation, it shall be with a Health Officer-certified installer or state licensed designer or engineer, only.
4. When the Health Officer allows the resident owner of a single-family residence to construct, install, modify, repair, replace, enhance, or improve their onsite sewage system, the resident owner shall be responsible to comply with these regulations.
5. Onsite sewage systems connected to any building, or structure, other than a single-family residence only, shall only be constructed, installed, modified, repaired, or replaced by a Health Officer-certified installer, except as allowed under **Section 14**, "Repair or

Replacement of Malfunctioning or Failing Onsite Sewage Systems”.

6. A Health Officer approved Building Site Application or Repair Plan application shall be obtained for each development project prior to submitting an OSS Installation Permit application to the Health Officer. For new construction, a Building Permit number must be issued or approved by the applicable building department in order to obtain an installation permit. In order to obtain an OSS Installation Permit prior to the Building Permit being issued or approved, a waiver to the requirement approved by the Health District and the applicable building department is required. The Health Officer may require the submittal of an OSS Installation Permit as a condition of approval for a Building Clearance Application.
7. For new construction, a valid monitoring and maintenance service contract, with a Health Officer certified service provider, shall be obtained and evidence thereof submitted to the Health Officer prior to OSS Installation Permit approval.
8. For repair construction, a valid monitoring and maintenance service contract shall be obtained and evidence thereof submitted to the Health Officer along with the OSS Installation Permit application.
9. All system components shall be installed to conform to the maintenance and accessibility requirements in **Section 12.D.** and “Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual” in **Appendix A.**
10. Owners or their authorized agent shall:
  - a) Coordinate with the designer to choose and hire an installer;
  - b) Be responsible for the prompt payment of all Health Officer fees related to application submittal, review, and approval;
  - c) Be responsible for the oversight of their contractors and of the applications submitted on their behalf;
  - d) Ensure compliance with all applicable rules and regulations related to the development of their property;
  - e) Inform their installer and designer of all known restrictions, encumbrances, or special conditions related to the development or use of their property;

- f) Inform their installer of all proposed structures and uses of the property related to the proposed development;
- g) Be responsive to Health Officer requests for additional information needed to demonstrate compliance with these regulations; and
- h) Consent to reasonable and necessary inspections to ascertain compliance with these or other Board of Health regulations as they relate to the property parcel.

II. Designers shall:

- a) Adhere and conform to the requirements of their licensing;
- b) Use forms and reporting systems designated for use by the Health Officer;
- c) Only submit legible and complete information;
- d) Coordinate with the owner, installer, and Health Officer as needed to conform to these regulations;
- e) Not authorize the installation of onsite sewage systems, or components thereof, when weather conditions or other factors may jeopardize the near term or long term functionality of the system;
- f) Be responsible for including and addressing all known restrictions, conditions, encumbrances, etc., that may affect compliance with these regulations in their submittals to the Health Officer;
- g) Be responsive to Health Officer requests for additional information needed to demonstrate compliance with these regulations;
- h) Conform to the pre- and post- construction concurrency requirements in these regulations;
- i) Be responsive to pre- and post- construction concurrency requests from installers and/or owners; and
- j) Arrange for substitute coverage from another designer for the purposes of pre- and post- construction meetings when they know, or can reasonably anticipate, that they will be unavailable for a continuous period of two (2) weeks or longer.



12. Designers may modify the design, or specify additional directions or requirements for the design, including but not limited to specific installation timelines or time periods, as they determine is necessary to ensure conformance with these regulations, to meet the intent of the design, or in response to changes in site conditions. Designers shall include these modifications or specifications in their written verification and concurrence to proceed to the installer, or as part of the Record of Construction. The designer may request Health Officer concurrence prior to authorizing such modifications.
  
13. Installers shall:
  - a) Contract their services only when their certification through the Health Officer is in good standing and in conformance with these regulations;
  - b) Adhere and conform to the requirements of their certification and these regulations;
  - c) Coordinate with the owner, designer, and Health Officer as needed to conform to these regulations;
  - d) Follow and abide by the terms and conditions of approval of the respective Building Site Application, Building Clearance Application, or Repair Plan, and any designer specifications or directions with their written concurrence and verification to proceed;
  - e) Have the approved Building Site Application, Building Clearance Application, or Repair Plan in their possession during installation;
  - f) Install or use only approved and/or registered sewage systems, components, materials and processes;
  - g) Take such reasonable actions as are necessary to protect the integrity of the system during construction and installation and prior to Health Officer approval to cover;
  - h) Only install proprietary treatment products, systems, or technologies when there is/are sufficient monitoring and maintenance service providers certified by the Health Officer to work on the product, system, or technology;
  - i) Install the sewage system to be watertight, except for the soil dispersal component;

- j) Use the most current forms and reporting systems designated for use by the Health Officer;
- k) Submit only legible and complete information;
- l) Supervise system installation through first-hand site observations during the construction process;
- m) Conform to the pre- and post- construction verification and concurrency requirements in these regulations;
- n) Obtain designer concurrence for system installation prior to beginning the construction process;
- o) Not install onsite sewage systems, or components thereof, when weather conditions or other factors may jeopardize the functionality of the system;
- p) Obtain designer and/or Health Officer approval prior to deviating from the approved Building Site Application, Building Clearance Application, or Repair Plan;
- q) Conform to the accessibility and monitoring requirements in **Section 12.D.** and *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"* in **Appendix A;**
- r) Complete system installation within a reasonable time period to prevent damage to the system, or system use prior to Health Officer approval of the installation permit;
- s) Cover the installation only after the Health Officer and designer has given approval to cover;
- t) Cover and back fill the system according to the approved plan, with six (6) to 24 inches of cover material, and grade the site to prevent and divert surface water from accumulating over any component of the system;
- u) Contact the designer of record, or another designer as needed, when the plans and specifications of the approved Building Site Application, Building Clearance Application, or Repair Plan cannot be met;

- v) Be responsive to Health Officer and/or designer requests for additional information, and orders to correct violations, errors, or omissions as needed to conform to these, or other applicable, regulations; and
- w) Be responsible for the prompt and complete payment to the Health Officer of re-inspection fees necessitated by violations of, or non-compliance with, these regulations or the approved Building Site Application or Repair Plan.

14. The Health Officer shall:

- a) Accept only OSS Installation Permit applications that meet the requirements and intent of these regulations, and for property parcels where a building permit has been issued by the jurisdictional building department for new construction or a modification;
- b) Approve only system installation permits and system installations that meet the requirements and intent of these regulations and the accepted Building Site Application or Repair Plan;
- c) Classify and track permit applications in accordance with one of the following:
  - 1. New;
  - 2. Repair;
  - 3. Replacement;
  - 4. Modification; or
  - 5. Horizontal/Vertical Waiver.
- d) Accept and approve for use only proprietary treatment products, systems, or technologies when there is/are sufficient monitoring and maintenance service providers certified by the Health Officer to work on the product, system, or technology;
- e) Respond to installation permit inspection requests in a timely manner and as required by these regulations;
- f) Inspect the system installation before cover, or allow the designer of the system to perform the pre-cover inspection, provided that the designer is not also

named as the installer of the system, and/or inspect and test the completed system installation after covering but prior to approval of the system installation permit and occupation of the building or structure;

- g) Develop forms and applications that meet the requirements of WAC 246-272A-0200 and WAC 246-272A-0265;
- h) Specify the approval date on the installation permit application;
- i) Specify the reason for denial, rejection, or revocation of an installation permit application or inspection, including applicable code citations; and
- j) Not issue formal approval for any installation permit application where all applicable Health Officer fees have not been paid in full, and all other applicable requirements have not been met.

15. The Health Officer may:

- a) Reject, deny, or return incomplete, incorrect, or wrongfully submitted permit applications;
- b) Reject and require correction and re-inspection of any items of non-conformance with these regulations;
- c) Stipulate additional requirements for a specific development if necessary to protect public health; and
- d) Rescind approved permit applications, under these regulations or those previous, and prohibit continued use of the OSS when:
  - 1. Public health is deemed to be threatened by continued use of the system;
  - 2. Violations that have been identified, and ordered corrected, by the Health Officer are not corrected within a time period established by the Health Officer or these regulations; or
  - 3. It has been determined that there has been misrepresentation or concealment of material fact in the application information submitted by the designer or owner or owner's agent.

16. OSS Installation Permit Application Timelines.

- a) OSS Installation Permit applications are valid for one year from the date of submittal to the Health Officer with complete payment of applicable fees, or for as long as the building permit for the development remains active with the respective building department, whichever is longer. The Health Officer may charge a re-inspection or extension fee for sewage system installation permits that have been pending additional information, or have been in will-call awaiting an inspection request, for more than one year from the date of submittal.
- b) The installer shall have one year from the date of submittal, except in the case of active building permits as described above in **Section 12.B.14.a**), to complete system construction, installation, and record of construction documentation, and to demonstrate that the system is operational as designed and approved, otherwise the installation permit may be marked by the Health Officer as “incomplete”, voided, and returned to the installer.
- c) Once approved by the Health Officer, OSS Installation Permits are valid:
  1. Until the installed system fails; or
  2. As long as the conditions of approval, and conditions at the time of approval, continue to be met and there is no identified threat to public health from continued use of the system.
- d) The Health Officer may rescind approval of an OSS Installation Permit when it has been determined that the OSS is not being used, or maintained, in conformance with the regulations and conditions in effect at the time of system approval.

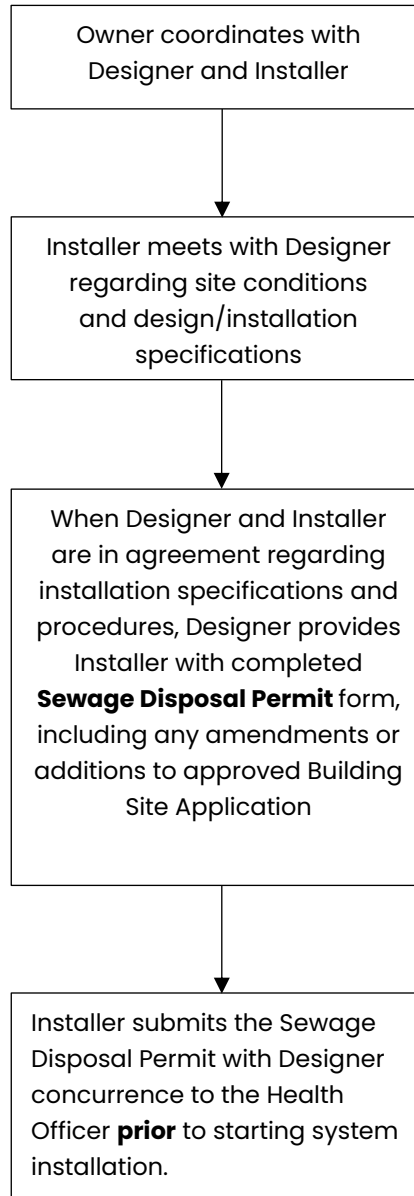
C. Construction and Installation Procedures and Requirements.

1. Pre-Construction Verification and Concurrence to Proceed (see **Figure 6**).
  - a) The owner, or their authorized agent, shall coordinate with the designer to select an installer for construction and installation of the onsite sewage system.
  - b) The installer shall not begin construction or installation of, or construction on, an OSS until they obtain the written verification and concurrence to proceed from the designer, and submit a completed OSS Installation Permit application,

except as allowed under **Section 14**, "*Repair or Replacement of Malfunctioning or Failing Onsite Sewage Systems*".

- c) Written verification and concurrence to proceed shall be on forms approved for use by the Health Officer. The installer and the designer shall not be the same certified person.
- d) The designer shall provide their written verification and concurrence to proceed to the installer only if:
  - 1. The conditions at the installation site remain conducive to construct the OSS according to the approved Building Site Application or Repair Plan, including minimum required vertical and horizontal separations;
  - 2. The soil conditions at the installation site are suitable for system construction according to designer instruction, provided that weather and/or soil conditions do not change significantly;
  - 3. The designer agrees and intends to follow the OSS installation process through to completion; and
  - 4. The designer accepts the responsibility and liability of the approved Building Site Application and system design.

**Figure 6**  
**Pre-Construction Verification and Concurrence to Proceed –**  
**Procedure Flowchart**



- e) After the installer has received written verification and concurrence to proceed from the designer, the installer shall submit this documentation along with a completed OSS Installation Permit application, and associated supporting information and fees, to the Health Officer prior to starting construction.
- f) The Health Officer shall not accept an OSS Installation Permit application without a designer's written verification and concurrence to proceed.

2. Post-Construction Verification and Pre-Cover Concurrence to Proceed.

- a) The installer shall take such action as is necessary and reasonable to protect the OSS from potential weather-related or physical damage while waiting for Health Officer approval to cover.
- b) The installer shall not backfill or place final cover over the onsite sewage system, or any part thereof, without inspection and/or approval of the Health Officer.
- c) Prior to backfilling and covering the soil dispersal component or curtain drain, the installer shall:
  - 1. Construct a minimum of two (2) soil logs, within ten feet of the soil dispersal component, which are spatially representative and sufficient to demonstrate conformance with the required vertical separation as specified in the approved Building Site Application or Repair Plan;
  - 2. Construct a minimum of one soil log within five (5) feet of a curtain drain, if installed; and
  - 3. Contact the designer to coordinate a post-construction verification inspection and to ensure the development and completion of a Record of Construction for the system installation.
- d) Upon contact and notification from the installer, the designer shall conduct a post-construction inspection of the OSS to:
  - 1. Verify conformance to the approved Building Site Application or Repair Plan;
  - 2. Identify items of non-conformance with the approved Building Site Application or Repair Plan, and coordinate with the installer to address and



correct items of non-conformance; and

3. Prepare and complete a Record of Construction for the installed OSS and property site.
  - e) After designer review of the installation and verification of conformance to the approved plan, the designer shall contact the Health Officer and request a pre-cover inspection. The designer shall ensure that a red-lined copy of the approved site plan, modified as necessary and appropriate to reflect the location and configuration of the OSS and any site improvements, is submitted to the Health Officer, or made available at the installation site, at the time the pre-cover inspection request is made. If left at the installation site, the designer shall take such action as is necessary to protect the red-lined site plan so that it will serve its intended purpose.
  - f) The Health Officer shall conduct a pre-cover inspection of the system installation within two (2) business days after receiving a formal inspection request from the designer, unless other arrangements have been made, and agreed to, between the installer, designer, and Health Officer.
  - g) The Health Officer shall contact and/or issue a written notice of inspection findings, comments, and/or directions to the designer and installer within one business day of the pre-cover inspection.
  - h) After Health Officer approval, the installer shall backfill and cover the system, within a maximum of five (5) calendar days, with appropriate cover material, or take actions as necessary to protect the system until conditions are favorable to backfill and cover the system. Backfill and cover shall be graded to prevent surface water from accumulating or being channeled over any component of the system.
3. Record of Construction.
  - a) A record of construction shall be completed for each OSS Installation Permit. The Health Officer shall not approve the installation permit, or use of the onsite sewage system, without a complete and accurate Record of Construction.
  - b) The record of construction shall be submitted on forms approved by the Health Officer, signed by the designer, and contain written specifications and graphical information to describe and document the system installation, how it is set-up

to operate, and the property that it serves.

- c) The record of construction shall include a scaled site plan that is similar to, and consistent with, the site plan submitted with the approved Building Site Application, Building Clearance Application, or Repair Plan (if applicable), and meet and/or include, at minimum, the following information:
1. The site owner, address, and tax account number;
  2. The name of the certified installer, and the name, signature, and stamp of the designer;
  3. A scaled site plan, accurate to plus/minus one-half foot, drafted to a scale of between 1-inch : 20-feet to 1-inch : 60-feet, whichever scale provides the most detail and best-fit for the site on paper sized 8.5 inches by 11 inches, 8.5 inches by 14 inches, or 11 inches by 17 inches, and preserves comparability with the approved Building Site Application, Building Clearance Application, or Repair Plan site plan;
  4. A North arrow indicating the orientation of the lot with respect to the North direction;
  5. The type, location, size, and orientation of the installed system and each of its components and reserve area, including observation and maintenance access ports, risers, control panel, etc.;
  6. A record of the initial settings of electrical and mechanical equipment utilized for the onsite sewage system, and verification that the system is operational and working as designed;
  7. All wells and surface waters on the property;
  8. All wells and surface waters not located on the property, but 100 feet or closer to the onsite sewage system;
  9. All wells and surface waters not located on the property, but 200 feet or closer to the OSS for those sites with a Class B Waiver;
  10. All buildings or structures connected to the installed onsite sewage system, and on the subject property within 30 feet of the installed system or reserve

area;

11. Other existing buildings, or structures, on the property and any onsite sewage systems or utilities connected to them; and
  12. Other utilities and required storm water control devices within 50 feet of the OSS or reserve area.
4. Permit Approval. The Health Officer shall approve the Sewage System Installation Permit application, and authorize use of the system, upon completion, submittal (in one package at the same time), and verification of the following:
- a) System installation according to the approved plan'
  - b) Pre-cover inspection, and notice of approval to cover the system, by the Health Officer, and concurrence from the designer, upon receipt and review of the following information:
    1. A complete, accurate, and legible Record of Construction in accordance with these regulations;
    2. Other information related to the specific conditions of approval for the site or system, or as required by the Health Officer to demonstrate compliance with these regulations; and
    3. For alternative systems or other systems as required by the Health Officer:
      - a. Valid monitoring and maintenance service contract information with a Health Officer-certified monitoring and maintenance service provider.
5. Permit Denial or Revocation. The Health Officer may deny or rescind permit approval, and prohibit use of the onsite sewage system, when the terms and conditions of approval for the system, or conformance to these regulations, have been and/or are being violated. In such instances, correction of the violation(s) in accordance with these regulations and to the satisfaction of the Health Officer shall be required before use of the system.

#### D. OSS Component Construction and Installation Requirements.

1. General Requirements.

- a) OSS construction and installation shall follow the Health Officer approved plan. When system installation cannot adhere to the approved plan, the installer shall obtain designer and Health Officer approval prior to deviating from the approved plan.
  - b) Unless specified herein, or as specified by the designer and/or Health Officer on the approved plan, OSS construction and installation shall conform to standard established procedures, standards, or guidelines relative to the site and system use, with the goal and intent to protect public health and safety.
  - c) The construction and installation of sewage systems and components shall meet and facilitate the maintenance, monitoring, and accessibility requirements of these regulations and "*Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual*" in **Appendix A**.
  - d) Only products and components approved for use by the Department or Health Officer shall be used for the construction and installation of onsite sewage systems.
  - e) When the established regulations, standards, procedures, guidelines, or approved plan are silent, the installer may use discretion and shall be accountable.
2. Piping. All piping related to the onsite sewage system, starting two (2) linear feet from where the sewer pipe leaves the foundation, shall meet the following requirements:
- a) Consist of approved materials and construction equivalent to Schedule 40 or ASTM D 3034, or as approved by the Health Officer;
  - b) Include a clean-out located between the building sewer pipe stub-out and the first tank or vessel, and shall be located between two (2) and five (5) feet of the building sewer pipe stub-out. A minimum of one clean-out shall be included for every 100 feet of tightline;
  - c) Sewer pipe shall have a minimum diameter of three (3) inches and a minimum design grade of one-quarter inch per foot or two percent (2%) towards the first tank or vessel;
  - d) Sewer pipe shall change direction through the use of sweep fittings of 45-degrees or less. Horizontal sewer piping shall not contain 90-degree elbow

fittings;

- e) Effluent pipe (excluding pressure lines and perforated piping associated with the soil dispersal component) shall have a diameter of four (4) inches and sufficient grade to prevent any ponding or backflow of liquid, or solids settling, within the pipe;
- f) Piping shall be placed on stable and compacted substrate, and bedded sufficiently to prevent bending, bowing, breakage, or improper or unintended settling and backflow or ponding within the pipe; and
- g) Distribution pipe shall conform to, and meet the standards of, the type of soil dispersal component that it is used for.

3. Septic Tanks. In addition to meeting the Component Sizing and Construction Requirements, the installation of septic tanks shall meet the following and **Table 7**:

- a) Located in an area that is and will remain accessible for servicing and pumping;
- b) Not be located in areas frequented by vehicles unless specifically constructed and approved as traffic bearing;
- c) Installed as watertight, with protection against flotation, ground water intrusion, and surface water intrusion;
- d) Installed on a level, compact, and stable base that will not settle;
- e) Installed so that the top of the tank is within three (3) feet of finished grade, or according to the approved tank design specifications, with a minimum of six (6) inches of cover; and
- f) Include watertight risers with lids to finished grade for all service access manholes and observation ports, including secured lids for all risers over six (6) inches in diameter.

4. Pump Tanks and Pump Basins. In addition to meeting the Component Sizing and Construction Requirements, the installation of pump tanks and pump basins shall meet the following and **Table 7**:

**Table 7**  
**Required Setbacks or Dimensions for Onsite Sewage System Components**

System Component	Setback or Dimension
Tanks to Distribution/Drop Boxes	3 feet minimum
Tanks to Soil Distribution Component	5 feet minimum
Distribution/Drop Box to Soil Dispersal Component	30 inches minimum
Soil Dispersal Component to Soil Dispersal Component	10 feet minimum
Non-Pressurized Dispersal Trench Length	100 feet maximum
Dispersal Trench Width	2 feet minimum
Dispersal Bed Width	10 feet maximum
Dispersal Trench or Bed Separation	2 feet minimum
Dispersal Trench or Bed Depth into Undisturbed Soil – Pressure or Equal Distribution	6 inches minimum (downslope side)
Dispersal Trench or Bed Depth into Undisturbed Soil – Serial Distribution	12 inches minimum (downslope side)
Amount of Cover Soil for Soil Dispersal Components	6 inches minimum
	2 feet maximum
Depth of Infiltrative Surface Below Finished Grade	3 feet maximum
Slope of Infiltrative Surface – Dispersal Trench or Bed	Level (+/- 1 inch)

- a) Located to follow an approved septic tank. When it is not practical or possible to locate a pump tank or pump basin following a septic tank, only non-macerator ejector pumps shall be used to lift sewage to an approved septic tank. Pump basins shall not be substituted for pump tanks, and shall only be used for specialized situations at the discretion of the Health Officer;
- b) Located in an area that is accessible for servicing and pumping;
- c) Not be located in areas frequented by vehicles unless specifically constructed and approved as traffic bearing;
- d) Installed as watertight with protection against flotation, ground water intrusion, and surface water intrusion;
- e) Installed on a level, compact, and stable base that will not settle;
- f) Installed so that the top of the tank is within three (3) feet of finished grade, or according to the approved tank design specifications, with a minimum of six (6) inches of cover;
- g) Include watertight risers with lids to finished grade for all service access manholes and observation ports, including secured lids for all risers larger than

six (6) inches diameter;

- h) Utilize submersible pumps that are installed to be easily removable and serviceable;
- i) Situate pumps to prevent the uptake and transport of settled solids;
- j) Utilize a removable float tree independent of the pump transport line;
- k) Include a union, check valve, and gate valve on the transport line located between 12 inches and 24 inches of finished grade;
- l) Located at an elevation below the soil dispersal component or contain adequate anti-siphoning controls; and
- m) Include a control panel that meets the requirements of **Section 12.D.8.a)** and the following:
  - 1. Contains process controls such as float and pressure activated pump on/off switches, pump run timers, and process flow controls; and
  - 2. Contains diagnostic tools including dose cycle counters and hour meters for the pump, or flow meters for the sewage transport line.

5. Media Standards.

- a) For all non-proprietary treatment components, the filter media must meet the Coarse Sand Media Specifications of a), b) and c):
  - 1. Particle Size Distribution:

Sieve	Particle Size	Percent Passing
3/8 inch	9.50 mm	100
No. 4	4.75 mm	95 to 100
No. 8	2.36 mm	80 to 100
No. 16	1.18 mm	45 to 85
No. 30	0.6 mm	15 to 60
No. 50	0.3 mm	3 to 15
No. 100	0.15 mm	0 to 4

2. Effective Particle Size (D10) > 0.3 millimeters.
  3. Uniformity Coefficient (D60/D10) < 4.0.
- b) A copy of the sand receipt from the location the sand was acquired shall be presented as part of the final record of construction for all non-proprietary treatment components
  - c) For proprietary treatment components, the filter media must meet the minimum requirements specified by the manufacturer.
6. Treatment Tanks or Vessels. In addition to meeting the Component Sizing and Construction Requirements, the installation of treatment tanks or vessels shall meet the following and **Table 7**:
- a) Installed in accordance with the manufacturers specifications;
  - b) Located in an area that is accessible for servicing;
  - c) Not be located in areas frequented by vehicles unless specifically constructed and approved as traffic bearing;
  - d) Installed with protection against flotation, ground water intrusion, and surface water intrusion;
  - e) Installed on a level, compact, and stable base that will not settle;
  - f) Installed so that the top of the tank is within three (3) feet of finished grade with a minimum of six (6) inches of cover unless specified differently by the designer or other standards (e.g., sandfilters, etc.);
  - g) Include watertight risers with lids to finished grade for all service access manholes, observation ports, valve boxes, etc., including secured lids for all risers larger than six (6) inches in diameter; and
  - h) Include a control panel that meets the requirements of **Section 12.D.8.a)** and the following if a pump is used:
    1. Contains process controls such as float and pressure activated pump on/off switches, pump run timers, and process flow controls; and



2. Contains diagnostic tools including dose cycle counters and hour meters for the pump, or flow meters for the sewage transport line.
- i) Aerobic Treatment Units.
1. A 1,000 gallon trash tank will be utilized prior to the aerobic treatment unit. When it is not possible to locate a 1,000 gallon trash tank, at the discretion of the Health Officer, a smaller tank may be utilized (minimum 500 gallons) or the tank may be removed from the design.
  2. Air lines must have positive flow.
  3. Air pumps external to the aerobic treatment unit:
    - a. Shall be installed in a location that is well-ventilated;
    - b. Shall be installed in a location that is well-drained:
      - i. Constructed storage compartments require positive drainage placed at the lowest point of the blower; and
      - ii. Positive drainage may not be directed into any of the tanks.
    - c. Shall be protected from the elements;
    - d. Must be located in an area where access for all required inspections can be performed. Locating the air motor in areas such as crawlspaces or locked buildings is prohibited.
7. Soil Dispersal Components. In addition to meeting the Component Sizing and Construction Requirements, the installation of soil dispersal components shall meet the following and **Table 7**:
- a) For all soil dispersal components:
1. Consist of enough designated area to enable the construction of a 100 percent primary area and a 100-percent reserve area;
  2. Installed in native, undisturbed soil;

3. Contain risers with covers/caps to finished grade for distribution/drop boxes, valve assemblies, lateral ends, air relief valves, and observation ports, etc.;
  4. Oriented with the native soil contours (i.e., perpendicular to the direction of slope) such that the infiltrative surface can be constructed level to within a tolerance of plus-or-minus one (1) inch;
  5. Dispersal pipes or chambers shall include end caps or plates;
  6. Backfilled with appropriate type and depth of cover material;
  7. Covered with a finished grade that will divert surface water away from system components and prevent ponding;
  8. Meet the minimum dosing requirements, minimum six (6) doses per day, or as specified in the *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in **Appendix A**; and
  9. Other features shall conform to "Onsite Wastewater Treatment Systems Manual," USEPA, EPA-625/R-00/008, February 2002, except where modified by, or in conflict with, these regulations.
- b) For pressure distribution gravelless trenches or beds:
1. The infiltrative surface is located at least six (6) inches into native, undisturbed soil;
  2. Orifice holes are oriented at the 12 o'clock position, except for the last orifice in each lateral, which may be pointed in the 6 o'clock position;
  3. Pressure lines are constructed and secured to prevent and minimize movement while under pressure and the pressure line must be secured to the top of the chamber in accordance with the manufacturer's specifications; and
  4. Pressure line ends are fitted with clean-out sweeps contained in risers to finished grade (minimum six (6) inches diameter) that will channel the contents of cleaned pressure lines back into the dispersal trench.

c) For pressure distribution gravel trenches or beds:

1. The sidewall below the invert of the distribution pipe is located in native, undisturbed soil;
2. Orifice orientation must be specified by the designer and adhered to by the installer. Orifice holes may be oriented at the 12 o'clock or 6 o'clock position;
3. Appropriate orifice shields are installed if the orifices are oriented at the 12 o'clock position;
4. Pressure lines are constructed and secured to prevent and minimize movement while under pressure;
5. Pressure line ends are fitted with clean-out sweeps contained in risers to finished grade (minimum six (6) inches diameter) that will channel the contents of cleaned pressure lines back into the dispersal trench;
6. Pressure trenches or beds are covered with an appropriate filter material prior to placing cover material;
7. Gravel minimum of six (6) inches of drainrock is placed below, and a minimum of two (2) inches of drainrock is placed above, the distribution pipe;
8. A minimum of six (6) inches of drainrock is placed below, and a minimum of two (2) inches of drainrock is placed above, the distribution pipe;
9. Gravel trenches or beds must be installed at least seven (7) inches into native soil, or a detailed plan for installation must be submitted by the designer, to include site clearing and a stake-out of the drainfield.

d) For gravity distribution gravel trenches:

1. The sidewall below the invert of the distribution pipe is located in native, undisturbed soil;
2. Gravity distribution pipe perforations oriented at 120 degrees from the top centerline;

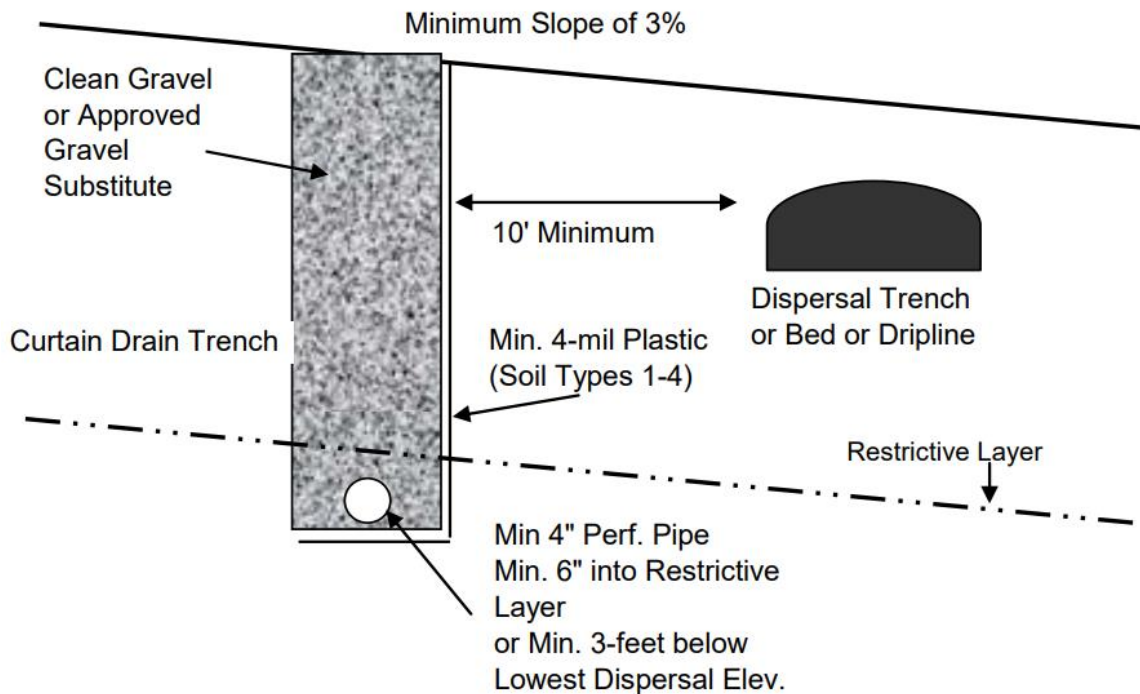
3. If serial distribution is used (slopes of 4 percent or greater, only), a properly constructed step-down shall be installed to transition from one dispersal trench to another, so that the upper trench ponds before allowing septage to flow to the next down-slope trench;
  4. Gravel trenches are covered with filter material prior to placing cover material;
  5. A minimum of six (6) inches of drainrock is placed below, and a minimum of two (2) inches of drainrock is placed above, the distribution pipe; and
  6. Gravel trenches or beds must be installed at least ten (10) inches into native soil, or a detailed plan for installation must be submitted by the designer, to include site clearing and a stake-out of the drainfield.
8. Other Systems, Components, or Technologies.
- a) Control panels shall be:
    1. Installed in an exterior location that is accessible, between three (3) and five (5) feet in elevation above finished grade, and that meets Washington State Department of Labor and Industry's electrical safety requirements;
    2. Connected to dedicated electrical circuits for the alarms and pumps so that the alarm circuit is independent of the pump circuit;
    3. Contain audible and visual alarms to alert the owner, resident, and/or occupant of a system malfunction; and
    4. Include a remote notification device for the alarm system, when the OSS alarm notification device is located greater than 100 feet from the building it is connected to, such as an auto-dialer or telemetry notification system, to notify the respective Monitoring and Maintenance Service Provider and/or the property owner/occupant of alarm events.
  - b) Water interceptors:
    1. Designed or intended to protect onsite systems or components are considered part of the onsite system, subject to these regulations, and shall be constructed by the system installer;

2. Shall be daylighted in a manner, and at a location, that will not adversely affect or damage onsite sewage systems, wells, or other property; and
3. Shall be constructed in a manner that will not allow clogging or blockage of the daylight, and facilitate maintenance.

c) Curtain drains:

1. Shall be located up-gradient, and generally parallel, to the orientation of the dispersal component of the OSS it is intended to protect;
2. Shall be considered for sites with at least three (3) percent slope in the dispersal component area, where the drain pipe daylight elevation is below the lowest elevation of the curtain drain collector (perforated) pipe;
3. Must have a curtain drain daylight discharge that is situated to have both positive drainage and be directed so as to not create water drainage issues;
4. Shall extend a minimum of ten (10) feet past both ends of the dispersal component;
5. Must have a curtain drain collector (perforated) pipe that is placed at least six (6) inches into the uppermost restrictive layer identified for vertical separation, or at least three (3) feet below the lowest elevation of the dispersal component;
6. Shall be constructed of approved materials and be filled with an appropriate material that allows adequate collection and diversion of groundwater into the collector (refer to **Figure 7**):

**Figure 7**  
**Curtain Drain Construction**



7. When installed in Soil Types 1-4, shall have some type of flexible, impermeable barrier (e.g. minimum six (6) millimeter polyethylene plastic) that is not subject to damage during the construction process. It shall be installed on the down-gradient (dispersal component) side of the curtain drain and shall extend below the collector pipe, to the original ground surface, and the length of the curtain drain; and
8. Shall include at least two (2) observation ports constructed of rigid pipe and allowing a clear view from the surface of the ground to the inside of the curtain drain collector (perforated) pipe.

## SECTION 13: Requirements for the Use, Monitoring, and Maintenance of Onsite Sewage Systems

### A. Purpose and Applicability.

1. The purpose of the following requirements is to establish the minimum standards for the use, monitoring, and maintenance of onsite sewage systems.
2. It is the intent of the following requirements to guide and enable the owner, owner's agent, monitoring and maintenance providers, pumpers, and Health Officer to comply with these regulations and to ensure that the OSS is used, monitored, and maintained in an adequate manner to protect public health, ensure proper functionality of the system, and prevent system failure.
3. These regulations apply to all onsite sewage systems within the jurisdiction of the Health Officer.
4. For repair of a failing onsite sewage system, or voluntary improvement or enhancement of a working OSS when there is no proposed expansion, modification, additional connection, remodel, or replacement of existing buildings or structures, the requirements contained in **Section 14** shall apply.

### B. General Requirements.

1. The owner shall be responsible for the use, monitoring, and maintenance of the OSS in conformance to these regulations. Occupants, tenants, employees, and other persons shall cooperate with the owner to conform to these regulations.
2. Only the owner of a single-family residence, or contractors certified by the Health Officer for installing or monitoring and maintaining onsite sewage systems, respectively, shall modify, expand, repair, replace, enhance, or treat the onsite sewage system, as allowed and required under these regulations.
3. The Kitsap County Health District's *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in **Appendix A**, or as amended according to these regulations, is adopted by reference as part of these regulations.

### C. Owner Responsibilities and Requirements.

The owner shall:

1. Ensure that the volume of sewage discharged to the OSS does not exceed the permitted design capacity of the system, or for a system without a permit, ensure that the volume of sewage entering the system is consistent with the size and history of use at the site and does not cause system malfunction or failure;
2. Ensure that the sewage quality and/or waste strength of sewage discharged to the OSS meets the permitted or intended design capacity of the system, or for systems without permits, ensure that the sewage quality entering the system is consistent with residential sewage and does not cause system malfunction or failure;
3. Ensure that the flow of sewage to the OSS is at or below the approved operating capacity and sewage quality;
4. Comply with the conditions of approval for the onsite sewage system, including these regulations and the regulations in effect at the time the system was installed, and the Waste Management Plan, if applicable;
5. Ensure that a failing or malfunctioning OSS is repaired, replaced, enhanced, or treated in a timely manner, or as directed by the Health Officer, in order to conform to these regulations;
6. Obtain plans and permit approval from the Health Officer before modifying, expanding, repairing, replacing, enhancing, or treating the OSS except as allowed by these regulations;
7. Submit a report to the Health Officer, on forms or through systems designated for use by the Health Officer, for any repairs, replacements, enhancements, or treatments made to an OSS within 30 days of initiation of such action;
8. Report instances of OSS problems to their monitoring and maintenance service provider, or the Health Officer, in a timely manner;
9. Report instances of OSS failure to the Health Officer within three (3) days;
10. Take all necessary and reasonable actions to prevent the discharge of sewage onto the ground surface or into surface water;
11. Provide consent and right of entry to their monitoring and maintenance service provider, pumper, installer, or the Health Officer, upon proper notification and identification, to inspect or service the onsite sewage system;



12. Notify their monitoring and maintenance specialist or the Health Officer when the property is sold or transferred out of their ownership;
13. Protect the onsite sewage system, including the reserve area, from use, activities, or situations that may have an adverse impact on the system, or dispersal component soils, including, but not limited to:
  - a) Encroachment and/or covering the system with buildings, structures, materials, or vegetation that restricts, prevents access to, or inspection or proper functioning of the system;
  - b) Vehicular traffic or domestic animal management activities;
  - c) Allowing surface or storm water to pond, collect, or flow over the system;
  - d) Compaction or excavation of soil in the primary or reserve areas; and
  - e) Grading, cutting, ditching or excavating soil on top of, or adjacent to, an OSS in violation of the horizontal setback requirements contained in **Table 1**;
14. Only use the OSS as permitted and/or directed by the Health Officer;
15. Monitor the use of the OSS to ensure conformance to these regulations;
16. Ensure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with applicable regulations or permits, and report this information to the Health Officer, on forms or by means designated by the Health Officer, as follows:
  - a) Standard systems: At least once every three (3) years; and
  - b) Alternative systems: At least once every year and in accordance with the Kitsap County Health District's *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in **Appendix A**;
17. Ensure the submittal of monitoring and maintenance reports to the Health Officer, through Health Officer designated forms or systems, as needed to conform to these regulations, including applicable fees;

18. Obtain and maintain a valid monitoring and maintenance service contract with a monitoring and maintenance service provider certified by the Health Officer if:
  - a) The OSS is an alternative system or community system. However a duplex residence with a community system located on the same property may be exempted from this requirement if the septic system is a standard system; or
  - b) The OSS is connected to a building or structure that may reasonably be concluded to produce wastewater atypical of residential strength, including but not limited to food service establishments, dental or medical clinics, beauty salons, vehicle repair shops, manufacturing buildings, etc.; or
  - c) Directed by the Health Officer;
19. For a holding tank system, obtain and maintain an annual holding tank service contract with a Health Officer certified pumper and submit an annual inspection report;
20. Obtain a valid monitoring and maintenance service contract:
  - a) Prior to Health Officer approval of the OSS Installation Permit;
  - b) Within 30 days of an ownership change of the property or building;
  - c) Within 30 days of contract expiration or cancellation; or
  - d) As directed by the Health Officer;
  - e) Property owners who are required to maintain a valid monitoring and maintenance service contract are responsible to pay for contract fees to the Health District. The maintenance service provider shall act as the owner's agent in collecting the contract fee and submitting it to the Health District through systems designated by the Health Officer;
21. Obtain and maintain an operation permit if required by the Health Officer;
22. Employ a pumper certified by the Health Officer to remove the contents of a tank or vessel as needed to conform to these regulations;
23. Retro-fit the onsite sewage system, as required to conform to these regulations and "Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual" in Appendix A,

for accessibility, monitoring, maintenance, and servicing; and

24. At, or prior to, the time of property transfer, provide to the buyer:

- a) Onsite system permit and maintenance records, when available;
- b) A scaled record drawing sufficient to reasonably determine the location of known sewage system components on the property with respect to all structures capable of producing sewage, when no official sewage system permit records are available;
- c) A written evaluation by the Health Officer of the onsite sewage system's functionality, any maintenance needs, and compliance with applicable regulations, permits, conditions of approval according to the procedures contained in **Section 13.D.**; and
- d) A completed seller disclosure statement in accordance with Chapter 64.06 RCW.

#### D. Responsibilities and Requirements for Owners Conveying Property.

Owners that intend to convey ownership of property that utilize an OSS shall submit an application to the Health Officer, at least 30 days prior property transfer, to request an inspection and written evaluation and disclosure of the onsite sewage system's functionality, maintenance needs, and compliance status with respect to applicable regulations, permits, and conditions of approval, according to the following:

1. For standard systems, the owner or their authorized agent shall:
  - a) Obtain an inspection report, for all sewage system tanks or vessels on the property, that has been completed within the past three (3) years by a certified pumper or monitoring and maintenance specialist;
  - b) Submit a completed "Evaluation of OSS for Property Ownership Conveyance" application form to the Health Officer;
  - c) Allow Health Officer inspection and evaluation of the onsite sewage system; and
  - d) Provide the Health Officer's written evaluation of the OSS to the buyer, or receiver, of the property prior to property transfer.
2. For alternative systems, the owner or their authorized agent shall:

- a) Ensure that their monitoring and maintenance service provider has filed an inspection report with the Health Officer as required by these regulations;
  - b) Submit a completed "Evaluation of OSS for Property Ownership Conveyance" application form to the Health Officer;
  - c) Allow Health Officer inspection and evaluation of the onsite sewage system; and
  - d) Provide the Health Officer's written evaluation of the OSS to the buyer, or receiver, of the property prior to property transfer.
3. For unknown systems, or systems without a sewage permit record on file with the Health Officer, the owner or their authorized agent shall:
- a) Develop, or obtain, and submit to the Health Officer a record drawing for existing onsite sewage systems (or components) on the property, in reasonable accordance to the criteria of **Section 12.C.3.**;
  - b) Obtain an inspection report, for all sewage system tanks or vessels on the property, that has been completed within the past three (3) years by a certified pumper or monitoring and maintenance specialist;
  - c) Submit a completed "Evaluation of OSS for Property Ownership Conveyance" application form to the Health Officer along with the Record of Construction and tank inspection report;
  - d) Allow Health Officer inspection of the onsite sewage system; and
  - e) Provide the Health Officer's written evaluation of the OSS to the buyer, or receiver, of the property prior to property transfer.
4. Upon receipt of a completed "Evaluation of OSS for Property Ownership Conveyance" application form and applicable inspection reports, and record drawing (when applicable), the Health Officer shall, within seven (7) business days of receipt of the application:
- a) Conduct a search and review of available records for the subject property;
  - b) Conduct a field inspection of the onsite sewage in order to:

1. Verify that the system appears to be functioning properly, or identify signs of system malfunction and/or failure;
  2. Verify that the official Record of Construction or record drawing is reasonably accurate with respect to existing site conditions, or identify items or issues of inconsistency with respect to the Record of Construction and existing site conditions;
  3. Identify any maintenance needs or needed repairs for the system with respect to these regulations; and
  4. Evaluate and determine if the OSS and property are in compliance with the applicable regulations in effect at the time the system was permitted, or believed to be constructed, and any applications or permit approvals related to construction of the system;
- c) Prepare a written summary and evaluation of the findings and status of the onsite sewage system, including violations or conditions of non-compliance;
- d) Issue the written summary and evaluation report, along with a copy of the Record of Construction, most recent inspection report, and a homeowner's manual to the applicant.
5. Items of Non-Compliance that Require Immediate Correction. If identified during the records review and/or site evaluation, the Health Officer shall notify and require correction, by the owner, of any of the following items pursuant to the requirements of **Section 19**:
- a) Failing, broken, or malfunctioning onsite sewage systems, or components thereof, that pose a threat to public health or the continued functionality of the system;
  - b) Previously designated and Health Officer-approved primary or reserve soil dispersal component areas that have been eliminated, destroyed, or otherwise made unusable;
  - c) Use or operation of the OSS in violation of its approved use or design capacity; and/or
  - d) Missing or inaccessible service access risers or observation ports for alternative systems as required for monitoring and maintenance servicing under

Bremerton-Kitsap County Board of Health Ordinance 1996-8, these regulations, or as amended.

6. Other Items of Non-Compliance – Noted. Items of non-compliance that do not pose an immediate threat to public health or fall under the criteria described in **Section 13.D.5.**, above, shall be noted by the Health Officer on the evaluation report. It is the intent of these regulations that any of these other items of non-compliance be addressed and corrected in good faith by the current property owner and/or the prospective property owner through the property conveyance process.
7. Following the legal correction of items of non-compliance, and verification of correction by the Health Officer, the owner or applicant may submit an application for an amended OSS evaluation report for property conveyance.
8. Period of Validity. Health Officer evaluation reports required under this section are valid for the following time periods from the date of the last evaluation report issued, regardless of how often the property is conveyed during such period:
  - a) Standard systems: Three (3) years; and
  - b) Alternative systems: One (1) year.
9. A property conveyance inspection is not required for systems connected to structures or buildings which have never been occupied, have a Health Officer approved Sewage Installation Permit, and have a valid certificate of occupancy from the respective building official.

E. **Responsibilities and Requirements for Owners of Food Service Establishments and Other Uses** where Wastewater Atypical of Residential Strength Wastewater May be Generated. In addition to the owner responsibilities and requirements contained in **Section 13.C.** and **D.**, the owner of a building or structure producing wastewater atypical of residential strength shall:

1. Utilize methods, procedures, treatment technologies or devices, or other means necessary to ensure that the waste strength and volume of sewage discharged to the OSS meets the design capacity of the system and is of residential strength prior to discharge to the dispersal component;
2. Upon discovery of an OSS failure:
  - a) Cease food establishment or commercial operations until the failure is corrected and the system is approved for use by the Health Officer, or until a

mitigation/repair plan has been submitted to, and approved by, the Health Officer;

- b) Report the failure to their monitoring and maintenance service contractor and Health officer within 24 hours; and
- c) Employ a certified pumper to mitigate, prevent, and/or temporarily eliminate the continued illegal discharge of sewage until necessary diagnostics and repairs can be completed.

**F. Responsibilities and Requirements for Owners Connected to a Community Onsite Sewage System.**

In addition to the owner responsibilities and requirements contained in **Section 13.C.** and **D.**, owners connected to a community OSS shall comply with the onsite system management, monitoring and maintenance program required in **Section 10.F.9.**

**G. Responsibilities and Requirements for Monitoring and Maintenance Service Providers.**

Monitoring and maintenance service providers shall:

1. Contract their services only when their certification through the Health Officer is in good standing and in conformance with these regulations;
2. Submit service contract notification to the Health Officer within 30 days of accepting a new or renewed contract through reporting systems designated for use by the Health Officer;
3. For systems that have never had a monitoring and maintenance inspection, or there is no record on file with the Health Officer that the system has had a monitoring and maintenance inspection, conduct an initial inspection within 30 days of accepting a new service contract as indicated in *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in **Appendix A**;
4. For systems that have had a monitoring and maintenance inspection previously through a different contractor, once contracted, conduct an initial inspection no later than the next regularly scheduled inspection, pursuant to the frequency requirements as indicated in *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in Volume 3 and the maintenance history of the system;
5. Perform, at minimum, all of the monitoring and maintenance service activities for each OSS that they accept a contract for, as required by these regulations, and *"Onsite Sewage Systems Use, Monitoring, and Maintenance Field Manual"*, contained in Volume 3,

or as amended according to these regulations;

6. Submit required monitoring and maintenance reports to the Health Officer, through reporting systems designated for use by the Health Officer, within 30 days following the date of completion of the minimum required monitoring and maintenance activities;
7. Only submit complete, truthful, and accurate inspection reports and contract information to the Health Officer and owner --- the Health Officer may reject and require correction and re-submittal of incomplete, erroneous, or misrepresentative reports and contract information;
8. Report to the Health Officer the address of any property where they have observed an OSS failure within five (5) days of the observation;
9. Respond to complaints, alarms, or requests for service from owners that they have contracted with in a timely and reasonable manner;
10. Shall act as the owner's agent in collecting maintenance contract fees and submitting that fee to the Health District through systems designated by the Health Officer;
11. Submit applicable fees to the Health Officer within 30 days of billing unless other arrangements are approved by the Health Officer;
12. Include, at minimum, the following information in each service contract:
  - a) Name of monitoring and maintenance service company, name of individual certified by the Health Officer to perform OSS monitoring and maintenance, Washington State contractor license number, and contact phone number;
  - b) Owner's name, mailing address, and phone number or email address;
  - c) Site street address and tax assessor account number for the property where the OSS is located and/or connected to;
  - d) The start date and end date, if applicable, of the contract;
  - e) The cost of the service contract;
  - f) The minimum number of monitoring and maintenance inspections and/or alarm responses covered by the service contract;



- g) The cost of making additional inspections, site visits, or alarm responses not covered by the contract; and
  - h) The name and office number of the Kitsap County Health District.
13. Employ and maintain general standards of sanitation at inspection sites to prevent/minimize human exposure to sewage;
  14. Supervise, train, inspect, oversee, and approve the work of all non-certified individuals employed by them to conduct work under these regulations;
  15. Leave written notification to owners/occupants whenever a site visit or inspection has been made; and
  16. Provide copies to owners of all annual monitoring and maintenance inspection reports, or notice as to where the inspection reports may be obtained.

#### H. Responsibilities and Requirements for Pumpers.

Pumpers shall:

1. Contract their services only when their certification through the Health Officer is in good standing and in conformance with these regulations;
2. Complete and submit a tank/pumping inspection report for all sewage systems inspected, serviced, and/or pumped, through reporting systems designated for use by the Health Officer, within 30 days of performing the inspection and/or pumping, along with associated fees;
3. Submit a copy of the tank/pumping inspection report to the owner upon completion of the service provided;
4. Employ and maintain general standards of sanitation at inspection sites to prevent/minimize human exposure to sewage;
5. Supervise, train, inspect, oversee, and approve the work of all non-certified individuals employed by them to conduct work under these regulations;
6. Upon discovery of the appearance of tracer dye in septage, immediately notify the Health Officer of the location and time of the observation;

7. Report to the Health Officer the address of any property where they have observed an OSS failure within three (3) days of the observation; and
8. Remove the entire contents, liquids and solids, of each sewage tank or vessel being pumped, or report to the owner and Health Officer why certain portions or constituents were not removed.

I. Responsibilities and Requirements for Health Officer.

The Health Officer shall:

1. Provide and/or make available published information concerning the use, monitoring, maintenance, and permit records to owners;
2. Develop and maintain reporting systems to facilitate conformance with these regulations;
3. Maintain records for all required monitoring and maintenance activities completed and submitted to the Health Officer according to these regulations;
4. Reject incomplete, inaccurate, erroneous, or misrepresentative inspection reports or contract information, and require correction and re-submittal of the information by the monitoring and maintenance service provider, pumper, installer, designer, or owner;
5. Review and respond to reports of OSS failure within two (2) days, or system malfunction where there is no failure in a timely and reasonable manner;
6. Perform necessary activities to ensure the adequate oversight and periodic review of Health Officer certified contractors to determine conformance to these regulations;
7. Review, track, investigate, and report problems, concerns, trends, or performance issues of public health significance for malfunctioning or failing systems at least annually; and
8. Take such actions as are necessary and reasonable to protect public health from malfunctioning or failing onsite sewage systems.

## SECTION 14: Repair, Remediation, Improvement, Enhancement, or Replacement of Onsite Sewage Systems

### A. Purpose and Applicability.

1. The purpose of the following requirements is to establish the minimum standards for repair, remediation, or replacement of a failing onsite sewage system, or voluntary improvement or enhancement of a working onsite sewage system, when there is no proposed expansion, modification, additional connection, remodel, or replacement of existing buildings or structures.
2. It is the intent of the following requirements to guide and enable the owner, owner's agent, certified or licensed OSS contractors, and Health Officer to comply with these regulations and to ensure that malfunctioning or failing onsite sewage systems are corrected, or at least mitigated, as soon as possible to protect public health.
3. It is the intent of these regulations that OSS replacements conform, as closely as possible and reasonable, to the new construction requirements in **Sections 10 and 12**, and that repairs to existing systems, when the dispersal component is not failing or malfunctioning, conform to the new construction requirements when possible, but at minimum conform to the requirements at the time of system construction and installation. It is the intent of these regulations to include the designation of a reserve area, for a future replacement of the soil dispersal component, when possible and reasonable.
4. A Building Site Application – Repair or Replacement, and OSS Installation Permit, shall be required, except as allowed in these regulations, to repair, replace, remediate, enhance, or modify a sewage tank, treatment component, or soil dispersal component when there is no proposed expansion or modification of the buildings or structures connected to the onsite sewage system. The new construction requirements in **Section 10** shall apply for an expansion or modification of an existing development that utilizes an onsite sewage system.
5. When **Section 14.A.4.** does not apply --- provided that a "Record of Construction for Minor Repairs & Retrofitting" form is submitted to the Health Officer within 14 days of completion of the work pursuant to the **Minor Repairs Policy** in **Appendix A** --- neither a Building Site Application – Repair or Replacement nor an OSS Installation Permit is required for replacement, or repair, of the following:

- a) Broken or malfunctioning building sewer pipes that are separated by at least 10 feet from wells or water supply lines;
- b) Service or observation risers and/or lids;
- c) Sewage tank baffles, pumps, pump control floats;
- d) Modifying or enhancing a functioning OSS for monitoring and maintenance accessibility; and/or
- e) Items listed in the **Minor Repairs Policy** in **Appendix A**.

6. These repair and replacement requirements apply to all onsite sewage systems within the Health Officer's jurisdiction.

B. General Application Requirements.

1. The owner shall be responsible for the timely repair or replacement of a malfunctioning, or failing, onsite sewage system, or system component, according to one of the following:
  - a) Conformance to these regulations, including but not limited to development and submittal of plans, permits, etc.;
  - b) Connection to a Department-approved large onsite sewage system; or
  - c) Connection to a state Department of Ecology approved public sewer or water re-use system.
2. The Health Officer may require the owner to develop, and implement, mitigation measures to protect public health and/or minimize any adverse affects from a sewage system failure, or malfunction, during the repair or replacement process.
3. When none of the remedies in **Section 14.B.1.** are possible and reasonable, the owner shall coordinate with the Health Officer to implement at least one of the following to mitigate adverse affects of the system failure or malfunction:
  - a) Use of a permitted holding tank (See **Section 14.E.**);
  - b) Obtain a National Pollution Discharge Elimination System or State Discharge Permit from the state Department of Ecology issued to a public entity, or jointly to a public entity and the system owner, only when the Health Officer determines

that:

1. An OSS is not possible and feasible; and
  2. The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water;
- c) Vacate and abandon the property.
4. The designer for the repair or replacement of a failing OSS shall locate and design the repair or replacement to meet the minimum horizontal setback requirements of **Table 1A, 1B and 1C** and the minimum treatment levels and distribution methods of **Table 3**. When the minimum setback requirements between the soil dispersal component and wells, surface waters, and springs in **Table 1A** cannot be met, the designer shall then use the minimum treatment levels of **Table 8**, depending upon the minimum horizontal separation that can be met.
  5. The Health Officer shall require pressure distribution with timed dosing for the dispersal component, at minimum, when a conforming system is not feasible, **Table 8** is utilized, and/or waivers for the dispersal component's location are requested.
  6. When a **Table 8** dispersal component is up-gradient of a potable water source or a beach where shellfish are harvested, the next higher treatment level (without disinfection) may be required by the Health Officer unless Treatment Level A is already required.
  7. For a repair or replacement of a malfunctioning or failing OSS when **Table 8** is used, disinfection may not be used to achieve the fecal coliform treatment requirements for Treatment Levels A, B, or C.
  8. When a repair or replacement of a malfunctioning or failing OSS when **Table 8** is used, disinfection may not be used to achieve the fecal coliform treatment requirements for Treatment Levels A, B, or C.

**Table 8**  
**Treatment Component for Performance Levels for**  
**Repair of OSS Not Meeting Vertical and Horizontal Separations<sup>1</sup>**

	Horizontal Separation <sup>2</sup>			
	< 30 feet	≥ 30 < 50 feet	≥ 50 < 100 feet <sup>3</sup>	≥ 100 feet
	Soil Type	Soil Type	Soil Type	Soil Type

Kitsap County Board of Health Ordinance **2025-XX**  
Onsite Sewage System and General Sewage Sanitation Regulations

Vertical Separation (in inches)	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A & BL1	A & BL1	A & BL1	A & BL1	A & BL1	A & BL1	A & BL1	A & BL1	A & BL1	B & BL2	B & BL2	B & BL2
≥ 12 < 18	A & BL1	A & BL1	A & BL1	A & BL1	B & BL2	B & BL2	A & BL1	B & BL2	B & BL2			
≥ 18 < 24	A & BL1	A & BL1	A & BL1	A & BL1	B & BL2	B & BL2	A & BL1	B & BL2	B & BL2	Conforming		
≥ 24 < 36	A & BL1	B & BL2	B & BL2	B & BL2	B & BL2	B & BL2	B & BL2	B & BL2	C & BL3	OSS		
≥ 36	A & BL1	B & BL2	B & BL2	B & BL2	C & BL3	C & BL3	B & BL2	C & BL3	C & BL3			

<sup>1</sup>The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III in WAC 246-272A-0110.

<sup>2</sup>The horizontal separation indicated in Table 8 of this section is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A and BL1 is already required.

<sup>3</sup>On a site where there is a horizontal setback of 75-100 feet between an OSS dispersal component and an individual water well, individual spring, nonmarine surface water or surface water that is not a public water source and a vertical separation of greater than 12 inches, a conforming OSS that complies with WAC 246-272A-0210(4) shall be installed if feasible.

9. When a repair/replacement cannot meet the requirements for a conforming system or **Table 8** system, a system meeting Treatment Level A without disinfection shall be utilized.
10. The Health Officer may authorize a waiver to these regulations for a repair or replacement when conformance to these regulations cannot reasonably be achieved, the waiver can be justified, and the protection of public health --- including drinking water sources and shellfish harvesting areas --- is maintained through adequate mitigation of the non-conforming item.
11. A repair/replacement which cannot conform to these regulations or meet **Table 8** will be classified by the Health Officer as "non-conforming" and the owner shall be required to record a Notice to Title for the property to notify current and future owners that the use of the property is limited for as long as it is served by a non-conforming sewage system.
12. A repair/replacement with a dispersal component that does not have at least 12 inches of vertical separation and/or at least 50 feet horizontal separation to surface water, wells, or springs will be classified by the Health Officer as "non-conforming" and the owner shall be required to record a Notice to Title for the property to notify current and future owners that the use of the property is limited for as long as it is served by a non-

conforming sewage system.

13. Only the resident owner of a single-family residence, or contractors acting on behalf of the owner and certified by the Health Officer for installing and/or monitoring and maintaining, or state licensed designers, shall modify, repair, replace, enhance, bio-remediate, or treat the onsite sewage system, as allowed under these regulations. Owners of property where the primary or reserve is located within 200 feet of marine water, within 100 feet of surface water, or meets **Table X** standards in WAC 246-272A-0280 shall have a Health Officer certified installer construct the OSS in accordance with WAC 246-272A-0250(1) & (2).
14. The owner is responsible for using Health Officer-certified contractors and for ensuring the submittal of plans and permits pursuant to these regulations.
15. Repair or replacement plan submittals shall be made by completing a Building Site Application – Repair or Replacement form, and permit submittal via an OSS Installation Permit – Repair or Replacement form according to these regulations.
16. Prior to beginning implementation, construction, and/or installation of an approved Repair or Replacement plan, the owner or their authorized agent shall submit an OSS Installation Permit – Repair or Replacement to the Health Officer in accordance with **Section 12** of these regulations.
17. The application, design, construction and installation, and use, monitoring, and maintenance requirements in **Sections 10, 12, and 13** shall apply to the repair, remediation, modification or replacement of onsite sewage systems except as allowed under this section and as specified below:
  - a) Building Site Application – Repair or Replacement plans shall be valid for one (1) year from the date of approval; and
  - b) OSS Installation Permit – Repair or Replacement shall be valid for one (1) year from the date of submittal.
18. The designer for the replacement of an OSS shall locate and design repairs to:
  - a) Address the factors that may have contributed to the system failure or malfunction;

- b) Conform to the new construction requirements in these regulations as closely as is possible and feasible;
- c) Justify and mitigate areas of non-conformance to meet the intent of the new construction requirements; and
- d) Protect drinking water sources, surface waters, and shellfish harvesting areas to the maximum extent possible by maximizing the:
  - 1. Vertical separation;
  - 2. Distance to wells, springs, or suction lines;
  - 3. Distance to surface waters; and
  - 4. Address areas of concern as identified, as applicable, in the Local Management Plan.

19. For large or community onsite sewage systems under the jurisdiction of the Department:

- a) The owner shall report OSS malfunctions or failures to the Department and Health Officer within three (3) days of discovery or occurrence; and
- b) The Department shall notify the Health Officer when a malfunctioning or failing large, or community, OSS has been reported.

C. Repair, Remediation, or Modification of an Existing OSS or Component that is Failing or Malfunctioning – Limitations and Restrictions. The Health Officer may prohibit the repair, remediation, or modification of an existing OSS or component, and require system or component replacement, relocation, etc., when:

- 1. There is no record of Health Officer-approval for the onsite sewage system, or component, that is intended to be repaired, remediated, or modified;
- 2. Past repairs, remediation, or modifications have not been reliable, successful, or performed to the satisfaction of the Health Officer;
- 3. The repair, remediation, or modification does not address and correct the symptoms, or causes, of malfunction, failure, or violation(s) of other regulation(s);



4. The size, location, and treatment capability of the existing OSS is determined by the Health Officer to be insufficient or incompatible with the current use of the property; and/or
  5. The repair, remediation, or modification is not commensurate with the **Local Management Plan** of these regulations.
- D. Voluntary Improvements, Enhancements, Remediation, or Treatments to Existing Onsite Sewage Systems or Components that are Functioning (Not Failing or Malfunctioning) --- Conformance with Regulations Required. The owner may undertake voluntary actions to improve, enhance, and/or remediate an onsite sewage system, or component, that is functioning (not failing or malfunctioning), provided that the owner does so in conformance with these regulations.
- E. Holding Tank Sewage Systems.
1. A person may not install or use a holding tank sewage system for a residential development, or expansion or modification of an existing residential development, whether seasonal or year-round, except as set forth in **Section 14.E.2.**, below.
  2. The Health Officer may approve installation of a holding tank sewage system only:
    - a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks, travel trailer dump stations, fairs, community events, or other uses approved by the Health Officer;
    - b) For interim uses limited to handling of emergency situations;
    - c) For short term, temporary uses of six (6) months or less such as:
      1. A temporary construction site where portable toilets are not practical; or
      2. When installation of an approved OSS plan has been delayed by weather conditions or other unpredictable circumstances; or
    - d) For repairs as permitted under **Section 14** of these regulations.
  3. A person proposing to use a holding tank sewage system shall:
    - a) Follow design criteria established by the Health Officer or Department, including the size, location, construction, and accessibility requirements for septic tanks;

- b) Use a holding tank reviewed and approved by the Department, including an alarm system in conformance with these regulations;
- c) Prepare and submit plans and applications in accordance with **Sections 10, 12, and/or 14** of these regulations, whichever is applicable; and
- d) With application to the Health Officer, submit a management program plan to demonstrate and assure ongoing operation, monitoring, and maintenance with respect to **Section 13** of these regulations, including:
  - 1. An annual pumping service contract with a certified monitoring and maintenance specialist or pumper to perform minimum annual service, operation checks, and reporting to the Health Officer on the alarm system. The Health Officer shall not allow owners to provide monitoring and maintenance for holding tank sewage systems; and
  - 2. A contract with a certified pumper to provide ongoing pump-out and proper disposal of the holding tank contents, including reporting to the Health Officer.

## SECTION 15: Minimum Land Area Requirements for Developments Using Onsite Sewage Systems

- A. A person proposing a subdivision for property where the use of an OSS is planned or required shall obtain a recommendation for approval from the Health Officer as required by RCW 58.17.150.
  
- B. Prior to approving any development, the local health officer shall:
  1. Require site evaluations under WAC 246-272A-0220;
  2. Require information consisting of field data, plans, and reports supporting a conclusion that the proposed land area is sufficient to:
    - a) Install conforming OSS;
    - b) Preserve reserve areas for proposed and existing OSS; and
    - c) Properly treat and dispose of the sewage;
  3. Require information demonstrating that the proposed development will minimize adverse public health effects from the accumulation of contaminants in groundwater and surface water;
  4. Determine the minimum land area required for the development using **Table 9** or this section, or the alternative methodology in **Table 10** of this section. The local health officer may require larger lot sizes than the minimum standards established in **Table 9 or Table 10** of this section;

**Table 9**  
**Minimum Land Area Requirement for Each Single-Family Residence or Unit**  
**Volume of Sewage and Minimum Usable Land Area**

		Soil Type (defined by WAC 246-272A-0220)					
		1	2	3	4	5	6
<b>Minimum Land Area</b>	<b>Public Water Supply</b>	21,780 sq. ft. (0.5 acre)	13,000 sq. ft.	16,000 sq. ft.	19,000 sq. ft.	21,000 sq. ft.	23,000 sq. ft.
		2.5 acres <sup>1</sup>					
	<b>Nonpublic Water Supply</b>	1.0 acre	1.0 acre	1.0 acre	1.0 acre	2.0 acres	2.0 acres
		2.5 acres <sup>1</sup>					
<b>Minimum Usable Land Area</b>		2,000 sq. ft.	2,000 sq. ft.	2,500 sq. ft.	3,333 sq. ft.	5,000 sq. ft.	10,000 sq. ft.

<sup>1</sup>OSS consisting of only sewage tanks and gravity SSAS must have a minimum land area of 2.5 acres per PWAC 246-272A-0234(7).

**Table 10**  
**Maximum Allowable Total Nitrogen (TN) Load Per Day by Type**  
**of Water Supply, Soil Type, and Land Area<sup>1</sup>**

Water Supply Type	Maximum Daily TN Load	Soil Type <sup>2</sup>					
		1	2	3	4	5	6
Public	mg per sq. ft.	3.8	6.3	5.1	4.3	3.9	3.6
	lb. per acre	0.36	0.60	0.49	0.41	0.37	0.34
Nonpublic	mg per sq. ft.	1.9	1.9	1.9	1.9	0.9	0.9
	lb. per acre	0.18	0.18	0.18	0.18	0.09	0.09

<sup>1</sup>Based on 60 mg/L TN and 360 gal/day OSS effluent.

<sup>2</sup>As defined in Table V in WAC 246-272A-0220.

- a) Require all proposals not meeting the minimum land area requirements in Table 9 of this section to demonstrate the proposed development:
1. Minimizes adverse impacts to public health, surface water, or groundwater quality;
  2. Considers:
    - a. Topography, geology and ground cover;
    - b. Climactic conditions;
    - c. Availability of public sewers; and

- d. Present and anticipated land use and growth patterns;
  3. Complies with current planning and zoning requirements;
  4. Does not exceed the nitrogen limit per land area as identified in Table XII of this section; and
  5. Does not allow new lots smaller than 13,000 square feet if served by nonpublic water supplies;
- b) Require minimum land area of 13,000 square feet or larger, except when a proposal includes:
1. OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
  2. A planned unit development with a signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of (d) or (e) of this subsection in perpetuity or until the OSS is no longer needed as identified in WAC 246-272A-0200(6);
- c) Require that developments other than single-family residences:
1. Meet the minimum land areas required for each unit's volume of sewage;
  2. Do not exceed 3.35 unit volumes of sewage per day per acre if served by public water supplies; and
  3. Do not exceed 1.0 unit volume of sewage per day per acre for nonpublic water supplies;
- d) Require that the use of a reduced-sized dispersal component does not result in a reduction of the minimum land area requirements established in this section.

C. The local health officer shall require the following prior to approving any subdivision:

1. A recommendation for approval as required by 58.17.150 RCW;
2. Where a subdivision with nonpublic wells are proposed:

- a) Configuration of each lot line to allow a water supply protection zone to fit within the lot lines; or
- b) Water supply protection zones on more than one lot when the person proposing the subdivision or development provides a copy of a recorded restrictive covenant to each property that is sited partially or completed within the water supply protection zone;
- c) Water supply protection zone of at least 100 foot radius for each existing or proposed well site.

D. The local health officer may:

- a) Require detailed site plans and OSS designs prior to final approval of subdivision proposals;
- b) Require larger land areas or lot sizes to achieve public health protection;
- c) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not meet the requirements of this chapter; and
- d) Permit the installation of an OSS, where the minimum land area requirements or lot sizes in **Table 9** of this section or maximum total nitrogen in **Table 10** of this section cannot be met, only when the following criteria are met:
  - 1. If the lot is registered as a legal lot of record created prior to the effective date of the rule;
  - 2. The lot is not within an area identified in the local management plan developed under WAC 246-272A-0015 where minimum land area is listed as a design parameter necessary for public health protection; and
  - 3. The proposed OSS meets all requirements of this chapter without the use of a waiver under WAC 246-272A-0420.

## SECTION 16: Review and Evaluation Requirements for Developments, Subdivisions, and Land Use Modifications Where Onsite Sewage Systems are Used

- A. Purpose. The purpose of the following requirements is to ensure that proposed developments, subdivisions, and land use modifications can conform to the current standards and regulations regarding onsite sewage systems and domestic water supply.
- B. General Requirements.
1. A person proposing a subdivision for property where the use of an OSS is planned, or required, shall obtain a recommendation for approval from the Health Officer as required by RCW 58.17.150.
  2. A person proposing to modify the existing, permitted, designated, or approved use of a development, or property, where the use of an OSS is planned, or required, shall obtain approval from the Health Officer prior to making the proposed modifications, except as allowed under **Section 11** of these regulations.
  3. The Health Officer shall require the following prior to approving any subdivision or land use modification for property where the use of an OSS is planned, or required:
    - a) At minimum, site evaluations as required under the New Construction Requirements in **Section 10.C. and 10.D.1.a.** of these regulations that demonstrate that conforming onsite sewage systems may be possible for each proposed development or lot either by:
      1. Developing and submitting formal Building Site Applications, with associated fees, with the land use application. In this instance, all the requirements of **Section 10** would apply; or
      2. Developing and submitting preliminary, non-binding, Building Site Applications as part of land use application, with at least one soil log per proposed lot; or
      3. Submitting records, permits, and other necessary information to demonstrate that the proposed subdivision or land use modification is consistent with the existing approved or permitted use of the property, and the requirements of these regulations.

b) Where a subdivision with individual wells is proposed:

1. Each lot must be configured to include a 100-foot radius water supply protection zone, or protective well covenant, to fit within the lot lines for the property that the well is intended to serve; or
2. Establishment of a 100-foot protection zone, via the recording of a protective well covenant around each existing and proposed well site, when the 100-foot well radius is not within the lot lines that the well is intended to serve.

C. Short Subdivision Requirements.

1. Preliminary Short Subdivision Application and Review Requirements.

a) General Information. The following information shall be developed and submitted to the Health Officer through a site map/plat plan of the property parcel proposed to be subdivided, oriented with a north arrow:

1. A vicinity map indicating the location of the property parcel with respect to major roads, along with directions to the site;
2. The existing and proposed property lines for each lot, including property line dimensions in feet;
3. Approximate elevations and contour lines of the ground surface;
4. Approximate locations of the site features and encumbrances identified in **Section 10.C.**, including the name and flow direction of water courses;
5. Existing and proposed uses of the property, including structures, onsite sewage systems, wells or springs and their respective protective radii, other utilities, storm water controls, etc.;
6. The location of any wells within 100 feet of the property lines, whether on, or off, the subject property;
7. Existing or proposed public sewer or water supply lines, or community or large onsite sewage systems; and



8. The property parcel shall be marked in the field for Health Officer identification and inspection, including OSS or water supply system locations as required in **Section 16.B.3.b) and 16.C.1.b) and c)**.
- b) OSS Information. If public sewer service, including an approved large OSS or water reclamation and/or reuse system, is not within 200 feet of the proposed short subdivision in accordance with **Section 6.H.** of these regulations, or public sewers are not allowed to service a property parcel due to a comprehensive plan approved by the jurisdictional planning agency, a person proposing a short subdivision shall utilize a designer to develop and submit the following OSS information to the Health Officer:
1. Soil log information. If formal Building Site Applications are not developed for each proposed lot, at least one soil log per lot, representative of the proposed soil dispersal component location for each lot, shall be constructed with a backhoe to document the following:
    - a. Soil depth and elevation of the highest anticipated ground water table;
    - b. Soil type according to the requirements of these regulations; and
    - c. The minimum lot size required based on the soil type.
  2. The Health Officer may require the development of a formal Building Site Application, and/or require a wet season evaluation of the soils, in order to determine compliance with these regulations.
- c) Community Onsite Sewage System. If a community OSS is proposed and allowed by the local comprehensive plan, the applicant shall contract with a designer to prepare and submit to the Health Officer, at minimum, a preliminary Building Site Application which includes:
1. Size and location information based on the proposed number of lots and soils information; and
  2. A letter of intent from an approved monitoring and maintenance specialist or other Health Officer approved management entity to oversee the proposed system.

- d) Public Sewer System. If a public sewer system is proposed to serve the subdivision, at minimum a non-binding letter of commitment to serve the proposed subdivision from the public sewer management entity shall be submitted to the Health Officer.
  
- e) Water Supply Information. One of the following types of water supply shall be identified in the subdivision application, and conformance to the following and Kitsap County Board of Health Ordinance 1999-6, Rules and Regulations for Private and Public Water Supplies, or as thereafter amended, shall be required for Health Officer approval:
  - 1. Individual or Private Two (2)-Party Wells
    - a. Each proposed lot shall be equal to, or greater than, one acre in size.
    - b. The total or potential number of lots being proposed must comply with the subdivision ordinance of the respective planning agency, and state and local well requirements for the maximum number of lots allowed with individual wells.
  - 2. Expanding Approved Public Water System.
    - a. Extension of Main, Only. A non-binding letter of water availability from the water system purveyor shall be required.
    - b. Proposed New Water Source and/or Other Improvements. The location of the proposed water source and its 100-foot protective covenant shall be shown on the site plan and marked in the field.
  - 3. Proposed New Public Water System.
    - a. The location of the proposed water supply source shall be shown on the site plan, and the location shall be identified by Township, Range, and Quarter/Quarter Section.
    - b. After receipt of the location information, the Health Officer will follow the procedures of the Coordinated Water System Plan to determine whether existing eligible public water systems are located within one-quarter mile of the proposed water supply source location.

- c. If applicable, the Health Officer will direct the applicant to the appropriate public water system and/or satellite system management agency for review.
        - d. If the new proposed water source is allowed, the Health Officer will conduct a site inspection of the proposed water source location and its 100-foot protective covenant.
    4. Upon conditional or preliminary approval of a new water source, the required protective well covenant shall be formally recorded with the Kitsap County Auditor by the applicant, and a copy of which forwarded to the Health Officer, prior to the applicant making a request for final approval of the subdivision proposal.
2. Final Short Subdivision Review and Approval Requirements. The Health Officer shall approve an application request for final short subdivision approval when the following applicable sewage control and water supply requirements are met:
  - a) Sewage Control.
    1. Onsite Sewage Systems. If any/all conditions of approval have been satisfied by the applicant and approved by the Health Officer, no significant changes have occurred, and water supply requirements have been met, the Health Officer shall issue approval. Such approval shall not constitute approval of each proposed lot, for building permit purposes, until formal Building Site Applications have been submitted to, and approved by, the Health Officer.
    2. Community Onsite Sewage System:
      - a. Formal submittal to and approval by, the Health Officer of a Building Site Application for the system to serve the subdivision, pursuant to the **Section 10** of these regulations;
      - b. Completed and approved sewage system installation according to **Section 12** of these regulations, or proof of bonding in the amount of 150 percent of the estimated cost of installation of the system based upon a minimum of three (3) bid proposals; and

- c. Filing of a valid monitoring and maintenance contract for the system in accordance with **Section 13** of these regulations.

3. Public Sewer System:

- a. A letter of approval from the public sewer entity indicating that the system is installed, has been tested, and meets all of the requirements of the public sewer entity; or
- b. A bond, made out to the public sewer entity, in the amount of 150 percent of the estimated cost of installation, may be submitted in lieu of completion of the public sewer system.

4. Water Supply. The Health Officer shall require conformance with Kitsap County Board of Health Ordinance 1999-6, Rules and Regulations for Private and Public Water Supplies, or as thereafter amended, prior to approving the subdivision application.

- D. Large Lot Subdivision Requirements.

1. Preliminary Large Lot Subdivision Application and Review Requirements.

- a) General Information. The following information shall be developed and submitted to the Health Officer through a site map/plat plan of the property parcel proposed to be subdivided, oriented with a north arrow:
  1. A vicinity map indicating the location of the property parcel with respect to major roads, along with directions to the site;
  2. The existing and proposed property lines for each lot, including property line dimensions in feet;
  3. Approximate elevations and contour lines of the ground surface;
  4. Approximate locations of the site features and encumbrances identified in **Section 10.C.**, including the name and flow direction of water courses;
  5. Existing and proposed uses of the property, including structures, onsite sewage systems, wells or springs and their respective protective radii, other utilities, storm water controls, etc.;

6. The location of any wells within 100 feet of the property lines, whether on, or off, the subject property;
  7. Existing or proposed public sewer or water supply lines, or community or large onsite sewage systems; and
  8. The property parcel shall be marked in the field for Health Officer identification and inspection, including OSS or water supply system locations as required in **Section 17.B.3.b) and 17.C.1.b) and c)**.
- b) OSS Information. If public sewer service, including an approved large OSS or water reclamation and/or reuse system, is not within 200 feet of the proposed short subdivision in accordance with **Section 6.H.** of these regulations, or public sewers are not allowed to service a property parcel due to a comprehensive plan approved by the jurisdictional planning agency, the applicant shall identify one of the following methods of onsite sewage control for the subdivision proposal, and provide general location information on the site plan for that system:
1. Individual onsite sewage systems for each proposed lot;
  2. Community OSS for the subdivision; or
  3. Large onsite sewage system for the subdivision.
- c) Water Supply Information. One of the following types of water supply shall be identified in the subdivision application, and conformance to the following and Kitsap County Board of Health Ordinance 1999-6, Rules and Regulations for Private and Public Water Supplies, or as thereafter amended, shall be required for Health Officer approval:
1. Individual or Private Two (2)-Party Wells. The total or potential number of lots being proposed must comply with the subdivision ordinance of the respective planning agency, and state and local well requirements for the maximum number of lots allowed with individual wells.
  2. Expanding Approved Public Water System:
    - a. Extension of Main, Only. A non-binding letter of water availability from the water system purveyor shall be required.

- b. Proposed New Water Source and/or Other Improvements. The location of the proposed water source and its 100-foot protective covenant shall be shown on the site plan and marked in the field.
3. Proposed New Public Water System:
- a. The location of the proposed water supply source shall be shown on the site plan, and the location shall be identified by Township, Range, and Quarter/Quarter Section.
  - b. After receipt of the location information, the Health Officer will follow the procedures of the Coordinated Water System Plan to determine whether existing eligible public water systems are located within one-quarter mile of the proposed water supply source location.
  - c. If applicable, the Health Officer will direct the applicant to the appropriate public water system and/or satellite system management agency for review.
  - d. If the new proposed water source is allowed, the Health Officer will conduct a site inspection of the proposed water source location and its 100-foot protective covenant.
4. Upon conditional or preliminary approval of a new water source, the required protective well covenant shall be formally recorded with the Kitsap County Auditor by the applicant, and a copy of which forwarded to the Health Officer, prior to the applicant making a request for final approval of the subdivision proposal.
2. Final Large Lot Subdivision Review and Approval Requirements. The Health Officer shall approve an application request for final large lot subdivision approval when the following applicable sewage control and water supply requirements are met:
- a) Sewage Control. If no conditions of approval were required by the Health Officer during the preliminary subdivision review, no additional actions are necessary for Health Officer approval of the final subdivision application. Such approval shall not constitute approval of each proposed lot, for building permit purposes, until formal Building Site Applications have been submitted to, and approved by, the Health Officer.

- b) Water Supply. The Health Officer shall require conformance with Kitsap County Board of Health Ordinance 1999-6, Rules and Regulations for Private and Public Water Supplies, or as thereafter amended, prior to approving the subdivision application.
3. Conditional Use or Unclassified Use Permit, or Rezone. Persons applying for a Conditional Use or Unclassified Use Permit, or a Rezone, shall demonstrate conformance with the applicable sewage control and water supply requirements of these regulations during the land use review:
- a) New development proposals: **Sections 10, 12, 13, 15, and/or 16.**
  - b) Proposed changes to existing development: **Sections 11, 12, 13, 15, and/or 16.**

## SECTION 17: Certification Requirements for Installers, Monitoring and Maintenance Service Providers, Pumpers, and Owners

### A. General Requirements.

1. Persons shall obtain Health Officer approval, and the appropriate certification pursuant to the requirements of this section, prior to providing service to, or on, or construction, repair, or modification of, an onsite sewage system, except for:
  - a) Employees or Health-Officer certified individuals. An employee is defined as a person in the service of another under any contract of hire, express or implied, oral and written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. The employee is covered by the employer's insurance, bond and licensing; or
  - b) The resident-owner of a single-family residence making minor repairs to the OSS connected to the residence as allowed under **Section 14** of these regulations; or
  - c) Persons licensed by the state as an OSS designer or engineer when operating under the terms and conditions of their license.
2. It shall be unlawful for any person to engage in the business of OSS design, installation, modification, monitoring and maintaining, pumping, or other activities related to onsite sewage systems without possessing a valid certification or license, except as authorized under these regulations.
3. Certifications granted pursuant to these regulations are not assignable.
  - a) Health Officer-certified individuals may not subcontract installation, pumping or maintenance service provider work they are responsible for to any other individuals or companies.
  - b) In the event of contractor illness or emergency, only Health Officer-certified individuals may take over work for a certified individual.
4. Certifications granted by the Health Officer are valid for up to one year, and must be renewed annually as directed by the Health Officer.
5. Certifications expired for greater than ninety (90) days shall be declared null and void and will require full conformance with these regulations to become active again, except



for the work experience requirements, which may be waived, at the sole discretion of the Health Officer, based upon the results of a performance review of the applicant's work history.

6. Certifications are a privilege granted by the Health Officer to competent, capable, and qualified individuals, and certification may be suspended, rescinded, withdrawn, or not reissued by the Health Officer in accordance with **Section 17.F.** of these regulations.
7. The Health Officer shall have the discretion to refuse certification, or recertification, to persons for just cause when there is a documented history of incompetence, negligence, misrepresentation, or failure to comply with these, or other, applicable regulations.
8. The Health Officer may refuse to accept applications from state licensed designers or engineers for just cause, such as a documented history of poor performance or failure to meet state guidelines for licensure.
9. The Health Officer shall not accept applications from state licensed designers or engineers who are not in good standing with their licensing requirements.
10. As a condition of conducting OSS work in Kitsap County under their respective certification or licensing, OSS contractors shall:
  - a) Conform and adhere to the terms and conditions of their certification or licensing;
  - b) Conform and adhere to applicable rules and regulations;
  - c) Conduct their business in good faith;
  - d) Complete work that they have committed to in a reasonable and timely manner; and
  - e) Be reasonably responsive to client and Health Officer inquiries or requests regarding work conducted under their certification or licensing.

#### B. Certification Requirements for Corporations

1. Installers, pumpers and monitoring and maintenance service providers are certified as individuals. However, in the event that a company has more than one certified individual per certification type, the company, as well as the certified individual, may be subject to

disciplinary action for violations of the regulations.

C. Certification Requirements for Installers.

1. New Certification. In order to obtain Health Officer-approval and certification, a person shall meet the following requirements:
  - a) Be Eligible to Take the Certification Test. In order to be eligible to take the certification test, a person shall demonstrate completion of the following to the Health Officer.
    1. Attend and complete at least 40 hours of OSS-related training from a Health Officer-approved entity; and
    2. Complete at least one year of OSS installation work experience under the supervision and direction of a Health Officer certified Installer, and provide documentation of this work experience. The Health Officer may, at their discretion, accept work experience completed in another county in Washington State, or grant reciprocity for an installer certification earned in another county in Washington State, upon submittal of documentation and references.
  - b) Submit Application and Fees. After meeting the eligibility requirements contained in **Section 17.B.1.a**), a person shall complete and submit a Certification Application with applicable fees to the Health Officer.
  - c) Testing. Upon review and acceptance of a Certification Application, the Health Officer shall notify the prospective applicant of the date and time of certification testing, or refer the applicant to an accepted testing organization. The prospective applicant shall complete and obtain a passing score of 70% or higher on certification test prior to being considered for certification by the Health Officer.
  - d) Bonding.
    1. Prior to issuance of certification by the Health Officer, prospective applicants must obtain and submit to the Health Officer proof a valid surety bond running to the Kitsap County Board of Health in the sum of at least \$6,000, or an amount as required by the Washington State Department of Labor and Industry. The bond shall be executed by a surety company duly authorized to act as a surety business in the State of

Washington guaranteeing the faithful compliance with all rules, regulations, and ordinances relating to onsite sewage systems.

2. Any person who may be damaged by the failure of the Health Officer certified contractor to comply with all applicable rules, regulations, and ordinances shall, in addition to other legal remedies, have the right of action in his own name for damages not exceeding the face value of the bond. The bond shall also be conditioned by the total liability of the surety there under for all causes of action arising during the period for which the bond has been issued. Said liability shall not exceed the sum of \$6,000.
  3. The bond shall cover a 2-year period beyond any expiration of the certification.
- e) Insurance. . General Liability Insurance coverage shall also be obtained by the prospective applicant prior to Health Officer consideration for certification, and submitted to the Health Officer. Insurance coverage shall be at least in the amount of \$50,000 property damage policy and \$200,000 public liability policy, or \$250,000 combined single limit policy, or as required by the Washington State Department of Labor and Industry. A copy of the certificate of insurance shall be attached to the bond and shall include the Health District as an additional named insured party and/or certificate holder.
- f) State Contractors License. Obtain and provide proof to the Health District or a valid Washington State Contractor's license. The Washington State contractor's license must be valid in a non-suspended status at all times to perform services related to Health District certification.
- g) Equipment Requirements. Possess or have access to equipment and tools necessary to enable construction of onsite sewage systems in accordance with these regulations, including proprietary systems.
- h) Probation. Once the requirements for certification have been met, and certification is granted by the Health Officer, the first year of certification shall be a probation period for the Health Officer to ascertain fitness of the applicant for final certification. Based upon performance history and material fact during the probation period, the Health Officer may/may not grant final certification. Fitness of the applicant shall be evaluated by the Health Officer based on the following:

1. Demonstrated competency of OSS rules, regulations, and ordinances;
  2. Demonstrated sound and fair business practices; and
  3. Demonstrated ability to effectively communicate and coordinate with the Health Officer and the public.
- i) Continuing Education Requirements. As a requirement of Health Officer certification, persons are required to continue their professional development. Upon request by the Health District, the certified individual shall provide documentation of professional development, including, but not limited to, continuing education classes and demonstrated field knowledge.
2. Certification Renewal.
    - a) Certifications issued by the Health Officer shall be valid for a maximum of one year, and shall expire on March 31st of each year.
    - b) Certifications expired for greater than ninety (90) days or longer shall be declared null and void and will require full conformance with these regulations to become active again, except for the work experience requirements which may be waived, at the sole discretion of the Health Officer, based upon the results of a performance review of the applicant's work history.
    - c) Renewing contractors shall utilize forms and processes approved by the Health District.
    - d) Certifications granted by the Health Officer are not guaranteed and may not be renewed if the contractor is not in good standing with the terms and conditions of their certification.
  3. Certification Warranty for Work.
    - a) As a condition of certification, Health Officer approved Installers shall guarantee the integrity and functionality of all onsite sewage systems that they install for a period of 2 years from the date of Installation Permit approval, or the initial use of the system, whichever is longer.
    - b) This warranty is not intended to cover OSS malfunctions due to owner abuse, or misuse, or individual system components or proprietary devices that are

warranted by the manufacturer or distributor.

- c) This warranty provision shall be initiated and enforced by the owner of the property where the OSS is located and permitted to be. The warranty shall not be limited to the privities between the designer and the original developer or property owner.

D. Certification Requirements for Monitoring and Maintenance Service Providers.

- 1. New Certification. In order to obtain Health Officer-approval and certification, a person shall meet the following requirements:
  - a) Be Eligible to Take the Certification Test. In order to be eligible to take the certification test, a person shall:
    - 1. Attend and complete at least 40 hours of OSS-related training from a Health Officer-approved entity; and
    - 2. Complete at least one year of OSS monitoring and maintenance service work experience under the supervision and direction of a Health Officer certified Monitoring and Maintenance Service Provider, and provide documentation of this work experience. The Health Officer may, at their discretion, accept work experience completed in another county in Washington State, or grant reciprocity for a monitoring and maintenance certification earned in another county in Washington State, upon submittal of documentation and references.
  - b) Submit Application and Fees. After meeting the eligibility requirements contained in **Section 17.C.1.a)**, a person shall complete and submit a Certification Application with applicable fees to the Health Officer.
  - c) Testing. Upon review and acceptance of a Certification Application, the Health Officer shall notify the prospective applicant of the date and time of certification testing, or refer the applicant to an accepted testing organization. The prospective applicant shall complete and obtain a passing score of 70% or higher on certification test prior to being considered for certification by the Health Officer.
  - d) Bonding.

1. Prior to issuance of certification by the Health Officer, prospective applicants must obtain and submit to the Health Officer proof a valid surety bond running to the Kitsap County Board of Health in the sum of at least \$6,000, or an amount as required by the Washington State Department of Labor and Industry. The bond shall be executed by a surety company duly authorized to act as a surety business in the State of Washington guaranteeing the faithful compliance with all rules, regulations, and ordinances relating to onsite sewage systems.
  2. Any person who may be damaged by the failure of the Health Officer certified contractor to comply with all applicable rules, regulations, and ordinances shall, in addition to other legal remedies, have the right of action in his own name for damages not exceeding the face value of the bond. The bond shall also be conditioned by the total liability of the surety therein for all causes of action arising during the period for which the bond has been issued. Said liability shall not exceed the sum of \$6,000.
  3. The bond shall cover a 2-year period beyond any expiration of the certification.
- e) Insurance. Commercial General Liability Insurance coverage shall also be obtained by the prospective applicant prior to Health Officer consideration for certification and submitted to the Health Officer. Insurance coverage shall be at least in the amount of \$50,000 property damage policy and \$200,000 public liability policy, or \$250,000 combined single limit policy, or as required by the Washington State Department of Labor and Industry. A copy of the certificate of insurance shall be attached to the bond and shall include the Health District as an additional named insured party and/or certificate holder.
- f) State Contractors License. Obtain and provide proof to the Health District or a valid Washington State Contractor's license. The Washington State contractor's license must be valid in a non-suspended status at all times to perform services related to Health District certification.
- g) Equipment Requirements. Possess or have access to equipment and tools necessary to enable the monitoring and maintenance of onsite sewage systems in accordance with these regulations. This includes any proprietary equipment as specified by a septic component manufacturer.
- h) Probation. Once the requirements for certification have been met, and certification is granted by the Health Officer, the first year of certification shall be

a probation period for the Health Officer to ascertain fitness of the applicant for final certification. Based upon performance history and material fact during the probation period, the Health Officer may/may not grant final certification. Fitness of the applicant shall be evaluated by the Health Officer based on the following:

1. Demonstrated competency of OSS rules, regulations, and ordinances;
  2. Demonstrated sound and fair business practices; and
  3. Demonstrated ability to effectively communicate and coordinate with the Health Officer and the public.
- i) Continuing Education Requirements. As a requirement of Health Officer certification, persons are required to continue their professional development. Upon request by the Health District, the certified individual shall provide documentation of professional development, including, but not limited to, continuing education classes and demonstrated field knowledge.

## 2. Certification Renewal.

- a) Certifications issued by the Health Officer shall be valid for a maximum of one year, and shall expire on March 31st of each year.
- b) Certifications expired for greater than ninety (90) days or longer shall be declared null and void and will require full conformance with these regulations to become active again, except for the work experience requirements which may be waived, at the sole discretion of the Health Officer, based upon the results of a performance review of the applicant's work history.
- c) Renewing contractors shall utilize forms and processes approved by the Health District.
- d) As part of the certification renewal process, the Health Officer may conduct a performance review.
- e) Certifications granted by the Health Officer are not guaranteed and may not be renewed if the contractor is not in good standing with the terms and conditions of their certification.

3. Certification Warranty for Work.

- a) As a condition of certification, Health Officer approved Monitoring and Maintenance Providers shall guarantee that they have performed and completed the minimum monitoring and maintenance work required for each system that they have contractually committed to pursuant to Health District requirements, and manufacturer specifications.
- b) This warranty is not intended to cover OSS monitoring or maintenance work conducted or completed by the manufacturer or distributor of system components or proprietary devices.
- c) This warranty provision shall be initiated and enforced by the person or property owner for which the Monitoring and Maintenance Service Provider has contracted with.

E. Certification Requirements for Pumpers.

1. New Certification. In order to obtain Health Officer-approval and certification, a person shall meet the following requirements.
  - a) Eligible to Take Certification Test. In order to be eligible to take the certification test, a person shall:
    1. Attend and complete at least 40 hours of OSS-related training from a Health Officer-approved entity; and
    2. Complete at least one year of OSS pumping service work experience under the supervision and direction of a Health Officer certified Pumper, and provide documentation of this work experience. The Health Officer may accept work experience completed in another county in Washington State upon submittal of documentation and references.
  - b) Application and Fees. After meeting the eligibility requirements contained in **Section 17.D.1.a)**, a person shall complete and submit a Certification Application with applicable fees to the Health Officer.
  - c) Testing. Upon review and acceptance of a Certification Application, the Health Officer shall notify the prospective applicant of the date and time of certification testing, or refer the applicant to an accepted testing organization. The prospective applicant shall complete and obtain a passing score of 70% or



higher on certification test prior to being considered for certification by the Health Officer.

d) Bonding.

1. Prior to issuance of certification by the Health Officer, prospective applicants must obtain and submit to the Health Officer proof a valid surety bond running to the Kitsap County Board of Health in the sum of at least \$6,000, or an amount as required by the Washington State Department of Labor and Industry. The bond shall be executed by a surety company duly authorized to act as a surety business in the State of Washington guaranteeing the faithful compliance with all rules, regulations, and ordinances relating to onsite sewage systems.
2. Any person who may be damaged by the failure of the Health Officer certified contractor to comply with all applicable rules, regulations, and ordinances shall, in addition to other legal remedies, have the right of action in his own name for damages not exceeding the face value of the bond. The bond shall also be conditioned by the total liability of the surety there under for all causes of action arising during the period for which the bond has been issued. Said liability shall not exceed the sum of \$6,000.
3. The bond shall cover a 2-year period beyond any expiration of the certification.

e) Insurance. Commercial General Liability Insurance coverage shall also be obtained by the prospective applicant prior to Health Officer consideration for certification, and submitted to the Health Officer. Insurance coverage shall be at least in the amount of \$50,000 property damage policy and \$200,000 public liability policy, or \$250,000 combined single limit policy, or as required by the Washington State Department of Labor and Industry. A copy of the certificate of insurance shall be attached to the bond and shall include the Health District as an additional named insured party and/or certificate holder.

f) State Contractors License or Commercial Limited Liability Insurance. Pumpers shall:

1. Obtain and provide proof to the Health District of a valid Washington State Contractor's License; or

2. Obtain and provide proof of Commercial Limited Liability Insurance. Insurance coverage shall be at least in the amount of:

- a. \$50,000 property damage policy; and
- b. \$200,000 public liability policy; or
- c. \$25,000 combined single limit policy; or
- d. As required by the Washington State Department of Labor and Industries.

3. The Washington State contractor's license or Commercial Limited Liability Insurance policy shall be valid at all times to perform services related to Health District certification.

g) Equipment Requirements.

1. Pump Trucks. Prior to issuing certification, the applicant shall provide an attestation that the pump truck(s) shall meet applicable state Department of Transportation and the following requirements.
  - a. The septage tank on the pump truck shall:
    - i. Have a working capacity of at least 1,250 gallons;
    - ii. Be fully enclosed and water-tight;
    - iii. Be of metal construction and be self-draining, with openings that close and seal securely;
    - iv. Have overfill protection;
    - v. Have a minimum 2.5 inch intake, and a minimum 4 inch outlet, with a safety locking devices to prevent spillage. A flat plate bolted over an opening in the tank shall not constitute a legal outlet for septage; and
    - vi. Be equipped with either a vacuum or other type of self-priming pump, that will not allow leakage.

- b. Contain sewage hose(s):
    - i. Made of durable, easily cleanable construction for the conveyance of sewage to and from the tank;
    - ii. That are easily drainable; and
    - iii. That are easily storable on/to the truck in a manner that will not create a public health or safety hazard.
  - c. Contained pressurized wash tank and water hose(s), or water hose(s), sufficient for washing equipment or spillage. Wash tank(s) shall contain a vacuum breaker to prevent cross contamination with sewage.
  - d. Included metal rods, or other devices, suitable to break up settled solids on the bottom of tanks so that they may be removed during pumping, and that can be easily cleaned, stored, and secured to the pump truck.
  - e. A tool for determining sludge and scum measurements in tanks or vessels.
  - f. Contain towels, rubber gloves, disinfection solution, and a first aid kit.
  - g. Include identification signage on both sides of the truck that:
    - i. Are in a contrasting color and at least 4 inches high so that they are easily visible;
    - ii. Contains the business name submitted to the Health Officer, and business telephone number, of the certified pumper; and
    - iii. Identifies the tank capacity.
2. Each pump truck in use by the pumper shall meet the minimum requirements of this section, and be reported to the Health Officer prior to first usage, and thereafter at least annually.

3. Holding Tanks. If a pumper uses a holding tank(s), other than the pump truck(s), to temporarily store or transport sewage, the pumper shall:
    - a. For stationary tanks, submit a scaled site plan of the property where the holding tank(s) are located, obtain a holding tank permit from the Health Officer, and develop and maintain a spill response procedure manual which includes provisions for pressure testing, or leak testing, the tank(s) once every ten years;
    - b. For transport tankers, meet the requirements for pump tanks contained in **Section 17.D.1.g).**
  - h) Probation. Once the requirements for certification have been met, and certification is granted by the Health Officer, the first year of certification shall be a probation period for the Health Officer to ascertain fitness of the applicant for final certification. Based upon performance history and material fact during the probation period, the Health Officer may/may not grant final certification. Fitness of the applicant shall be evaluated by the Health Officer based on the following:
    1. Demonstrated competency of OSS rules, regulations, and ordinances;
    2. Demonstrated sound and fair business practices; and
    3. Demonstrated ability to effectively communicate and coordinate with the Health Officer and the public.
  - i) Continuing Education Requirements. As a requirement of Health Officer certification, persons are required to continue their professional development. Upon request by the Health District, the certified individual shall provide documentation of professional development, including, but not limited to, continuing education classes and demonstrated field knowledge.
2. Certification Renewal.
- a) Certifications issued by the Health Officer shall be valid for a maximum of one year, and shall expire on March 31st of each year.
  - b) Certifications expired for greater than ninety (90) days or longer shall be declared null and void and will require full conformance with these regulations to become active again, except for the work experience requirements which

may be waived, at the sole discretion of the Health Officer, based upon the results of a performance review of the applicant's work history.

- c) Renewing contractors shall utilize forms and processes approved by the Health District.
- d) As part of the certification renewal process, the Health Officer may conduct a performance review.
- e) Certifications granted by the Health Officer are not guaranteed and may not be renewed if the contractor is not in good standing with the terms and conditions of their certification.

3. Pumping Procedures and Requirements. In addition to the requirements of **Section 17.D.** of these regulations, pumpers shall:

- a) Dispose or disperse septage pumpings only at sites approved by the Health Officer or the state Department of Ecology;
- b) Possess at all times during pumping, transport, or septage disposal or dispersal, origin-destination records for all sewage pumping activities rendered;
- c) Submit reports to the Health Officer, through forms or procedures approved by the Health Officer, of pumping records for all sewage pumping activities rendered to document proper handling and disposal, including:
  - 1. Source location address, date, volume, and type of materials pumped from each site;
  - 2. Other maintenance or repair activities conducted at each site; and
  - 3. Name and location of the facility where pumpings have been disposed/dispersed, and the volume disposed/dispersed during each visit.

F. Competency Requirements for Resident Owners of Single-Family Residences – OSS Installation and Monitoring and Maintenance.

- 1. OSS Installation. In addition to the requirements of **Section 12.B.3. and 12.B.4.**, resident owners of single-family residences shall complete the following requirements prior to beginning the installation of an onsite sewage system:

- a) Obtain and review a copy of the approved Building Site Application for the proposed site;
  - b) Review these regulations;
  - c) Obtain designer concurrence pursuant to **Section 12.C.1.** of these regulations;
  - d) Schedule and attend an installation permit competency meeting with the Health Officer's designated staff representative;
  - e) Sign and return to the Health Officer a homeowner system installation agreement form;
  - f) Obtain an OSS Installation Permit if approved by the Health Officer; and
  - g) Install the system pursuant to **Sections 12.B. through D.**
2. OSS Monitoring and Maintenance - New Certification. In order to obtain Health Officer-approval and certification, a person shall meet the following requirements to conduct inspections and maintenance on alternative systems:
- a) Be Eligible to Take Certification Test. In order to be eligible to take the certification test, a person shall:
    - 1. Attend and complete at least 8 hours of OSS-related training from a Health Officer-approved entity; and
    - 2. Obtain a valid monitoring and maintenance contract with a Health Officer certified monitoring and maintenance service provider for at least one year while completing the Single-Family Residence Owner – Monitoring and Maintenance Certification requirements of this section, or during the two (2) year warranty period for new or replacement installations.
  - b) Submit Application and Fees. After meeting the eligibility requirements contained in **Section 17.E.2.a)**, a person shall complete and submit a Certification Application with applicable fees to the Health Officer.
  - c) Testing. Upon review and acceptance of a Certification Application, the Health Officer shall notify the prospective applicant of the date and time of certification testing, or refer the applicant to an accepted testing organization. The prospective applicant shall complete and obtain a passing score of 70% or

higher on certification test prior to being considered for certification by the Health Officer.

- d) Equipment Requirements. Possess or have access to equipment and tools necessary to enable the monitoring and maintenance of onsite sewage systems in accordance with these regulations.
- e) Demonstration of Field Competency. After completing the requirements of **Section 17.E.2.a) through d)**, the applicant shall make an appointment with the Health Officer, along with submittal of the applicable fee, to perform the minimum required monitoring and maintenance service on their respective OSS under the direct supervision of the Health Officer.
- f) Probation. Once the preceding requirements for certification have been met, and certification is granted by the Health Officer, the first year of certification shall be a probation period for the Health Officer to ascertain fitness of the applicant for final certification. Based upon performance history and material fact during the probation period, the Health Officer may/may not grant final certification. Fitness of the applicant shall be evaluated by the Health Officer based on the following:
  - 1. Demonstrated competency of OSS rules, regulations, and ordinances applicable to their onsite sewage system; and
  - 2. Demonstrated ability to perform and the monitoring and maintenance service requirements on their system, and submit the appropriate reports to the Health Officer.

3. OSS Monitoring and Maintenance - Certification Renewal.

- a) Certifications issued by the Health Officer shall be valid for a maximum of one year, and shall expire June 30th of each year.
- b) To renew certification, the applicant shall complete and submit a certification renewal application, with applicable fee, to the Health Officer within the designated time period. Applications not postmarked or received by the Health Officer prior to the deadline will be subject to a late-comers fee pursuant to the current fee schedule, or may be classified as void and rejected by the Health Officer.

- c) As part of the certification renewal process, the Health Officer may conduct a performance review.
- d) Certifications granted by the Health Officer are not guaranteed and may not be renewed if the applicant is not in good standing with the terms and conditions of their certification.

G. Enforcement Procedures for Certified Contractors. The use of the following procedures is at the discretion of the Health Officer, and may be used in lieu of the enforcement procedures in **Section 19** of these regulations.

1. Administrative Conference.

- a) The Health Officer may summon a certified contractor to attend an administrative conference to answer to charges of incompetence, negligence, misrepresentation, or failure to comply with these, or other, applicable regulations.
- b) Purpose. The purpose of the administrative conference is to communicate and discuss the facts of the charges brought forward, to allow the contractor to respond in fact to the charges, and to provide a means to resolve the charges or violations in a satisfactory and expeditious manner.
- c) Procedure:
  - 1. The Health Officer shall send a written notice, via regular or electronic, and/or certified/return receipt requested mail, notifying the certified contractor of the charges levied against them, and the date, time, and location of the conference.
  - 2. The conference shall be mutually scheduled within 15 business days of the date of issuance of the notice.
  - 3. The Health Officer shall determine who may attend the administrative conference.
  - 4. The Health Officer will administer the conference and provide the certified contractor the opportunity to respond to the charges provided to them in the notice.



5. Based on the facts presented and discussions held during the conference, the Health Officer may affirm, modify, or rescind the charges contained in the notice, and/or may refer the certified contractor to a formal certification hearing where the certification may be put into conditional probation, suspended, or rescinded.
6. The administrative conference is at the discretion of the Health Officer and is not a prerequisite for a certification hearing.

2. Certification Hearing.

- a) The Health Officer may summon a certified contractor to attend a certification hearing to answer to charges of incompetence, negligence, misrepresentation, or failure to comply with these, or other, applicable regulations.
- b) Purpose. The purpose of the certification hearing is to communicate and discuss the facts of the charges brought forward, to allow the contractor to respond in fact to the charges, and to provide a means to resolve the charges or violations in a satisfactory and expeditious manner.
- c) The Health Officer may place a certification in a conditional probation, or suspend or rescind a certification if, after the hearing, the Health Officer determines that incompetence, negligence, misrepresentation, or failure to comply with these, or other applicable, regulations has occurred.
- d) Appeal. A certified contractor may appeal the results of a certification hearing according to the procedures contained in **Section 20** of these regulations.
- e) Procedure:
  1. The Health Officer shall send a written notice, via regular or electronic, and/or certified/return receipt requested mail, notifying the certified contractor of the charges levied against them, and the date, time, and location of the hearing.
  2. The Health Officer shall determine who may attend the hearing.
  3. The Health Officer will preside over the hearing, and allow the certified contractor the opportunity to respond to the charges and provide material fact in response to the charges as described in the notice.

4. Based on the facts presented and discussions held during the hearing, the Health Officer may affirm, modify, or rescind the charges contained in the hearing notice.
5. The Health Officer shall prepare and issue a written notice of findings and decision from the hearing within three (3) business days of the conclusion of the hearing.

## SECTION 18: Waiver of Local or State Onsite Sewage Regulations

### A. Purpose and Intent.

1. The purpose of this section of these regulations is to provide a means for owners, or their agents, to:
  - a) Identify the applicable section(s) of these regulations that their project proposal cannot meet due to site specific conditions;
  - b) Explain why the project proposal cannot meet the regulations;
  - c) Propose mitigation measures for the regulation(s) that cannot be met; and
  - d) Justify why, and how, the proposed mitigation will meet the intent of the regulation(s) and protect public health.
2. It is the intent of this section of these regulations to protect public health and to meet, or exceed, the minimum requirements of these regulations as justification for a waiver request.
3. It is not the intent of this section to provide a means to subvert, or bypass, these regulations when they can reasonably be met.

### B. General and Application Requirements.

1. The Health Officer may grant a waiver to these regulations, or to the state regulations of WAC 246-272A, if:
  - a) The waiver request is evaluated by the Health Officer on an individual, site-by-site, application-specific basis;
  - b) The Health Officer determines that the waiver application is consistent with the standards in, and the intent of, these local regulations;
  - c) The Health Officer submits quarterly reports to the Department regarding any waivers approved or denied; and
  - d) The Health Officer remains in good standing with the Department for the review and approval of waivers.

2. Waiver requests shall be submitted to the Health Officer on forms, and with fees, specified by the Health Officer and shall generally be included with a Building Site Application, Building Clearance Application, or OSS Installation Permit.
3. Waiver applications shall be valid concurrent with the timelines applicable to the Building Site Application, Building Clearance Application, or OSS Installation Permit that it has been submitted with. Waiver requests shall not be transferable to other applications.
4. Waiver requests, except for reductions in the horizontal separation between a well and an onsite sewage system, shall be classified by the applicant as follows, depending upon the specifics of the request, until such time that the Department establishes different classification criteria:
  - a) Class A: A waiver for which established criteria, and mitigation measures developed by the Department, already exists in a published guidance manual pursuant to WAC 246-272A-0420 (2);
  - b) Class B: A waiver for which established criteria, and mitigation measures developed by the Department and Health Officer, already exists in a published document;
  - c) Class C: A waiver for which there is no established criteria already developed, and therefore mitigation must be proposed by the applicant based on the site-specific conditions for the proposed development; or
  - d) Local: A waiver to address a local Health Officer requirement contained in these regulations, for which there is no equivalent requirement addressed in WAC 246-272A. Adequate mitigation and justification is still required a part of a local waiver request.
5. The Health Officer may deny waiver requests when:
  - a) Adequate mitigation and justification has not been provided to demonstrate that the intent of these regulations can still be met if the waiver request is approved;
  - b) Sufficient explanation has not been provided as to why the regulations cannot be met in full; or
  - c) The waiver request is incomplete or incorrect.

6. When the Health Officer has denied a specific waiver request, the applicant may resubmit another waiver request in accordance with the requirements of these regulations.

## SECTION 19: Enforcement

### A. Right of Entry.

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has or is being committed, the Health Officer may, in accordance with federal and state law, seek entry of any building, structure, property, or portion thereof, at reasonable times to inspect the same.
2. Prior to entering any building, structure, property, or portion thereof, the Health Officer shall attempt to secure the consent of the owner, occupant, or other person having apparent charge, or control, of said building, structure, property, or portion thereof.
  - a) In attempting to contact the owner, occupier, or other persons having apparent control of said building, structure, property, or portion thereof, the Health Officer may approach said building or structure by a recognizable access route leading to said building or structure.
  - b) If such building, structure, property, or portion thereof is occupied, the Health Officer shall present identification credentials, state the reason for the inspection, and request entry.
3. If consent to enter said building, structure, property, or portion thereof is not provided by the owner, occupier, or other persons having apparent control of said building, structure, property, or portion thereof, the Health Officer may enter said building, structure, property, or portion thereof only to the extent permitted by federal and state law.
4. If consent to enter said building, structure, property, or portion thereof is not provided by the owner, occupier, or other persons having apparent control of said building, structure, property, or portion thereof, the Health Officer shall also have recourse to any other remedies provided by law to secure entry, including but not limited to search warrants.

### B. Violations, Notice, Remedies, and Penalties.

1. Violations.
  - a) Violations of these regulations may be addressed through the remedies and penalties provided in this section.

- b) Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.
- c) The Health Officer may investigate alleged or apparent violations of these regulations. Upon request of the Health Officer, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.

2. Notice and Order to Correct Violation.

- a) Issuance. Whenever the Health Officer determines that a violation of these regulations has occurred or is occurring, they may issue a written notice and order to correct violation to the property owner, or to any person causing, allowing, or participating in the violation.
- b) Content. The notice and order to correct violation shall contain:
  - 1. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
  - 2. The street address, tax assessor account number, or other description for identification of the building, structure, or land upon or within which the violation has occurred or is occurring;
  - 3. A description of the violation and a reference to that provision of these regulations which has been, or is being, violated;
  - 4. A statement of the action, or actions, required to be taken to correct the violation and a date or time by which the correction is to be completed;
  - 5. A statement that each violation of this regulation shall be a separate and distinct offense, and in the case of a continuing violation that each day's continuance shall be a separate and distinct violation;
  - 6. A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties; and
  - 7. A statement that the person to whom the notice and order is directed can appeal the order to the Health Officer in accordance with the appeal

procedures of these regulations.

- c) Receipts and/or Reports of Corrective Actions Completed. The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts and/or reports from a state licensed or Health District certified onsite sewage contractor to demonstrate compliance with an order issued by the Health Officer.
- d) Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order by first class and/or certified mail postage prepaid, return receipt requested, to such person at his/her last known address.
- e) Extension. Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider completed or proposed mitigation measures, substantial completion of the necessary correction, obtaining a work contract with a licensed or certified onsite sewage contractor, and/or unforeseeable circumstances that render completion of correction impossible by the date or time established as a good cause.
- f) Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.
- g) Enforcement of Order. of Order. If, after order is duly issued by the Health Officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:
  - 1. Utilize any remedy or penalty specified within these regulations; and/or
  - 2. Abate the health violation using the procedures of these regulations; and/or
  - 3. Pursue any other appropriate remedy at law or equity.

### 3. Remedies.



- a) Written Assurance of Discontinuance. The Health Officer may accept a written assurance of discontinuance of any act in violation of these regulations from any person who has engaged in such act. Failure to comply with the written assurance of discontinuance shall be a further violation of these regulations.
- b) Written Voluntary Correction Agreement/Compliance Schedule.
1. The Health Officer may accept a written voluntary correction agreement/compliance schedule to attempt to secure voluntary correction of the violation from the person committing, or responsible for, the violation. Failure to comply with the written voluntary correction agreement/compliance schedule shall be a further violation of these regulations.
  2. The written voluntary correction agreement/compliance schedule is a contract between the Health Officer and the persons responsible for the violation in which such person agrees to abate the alleged violation within a specified time frame and according to specific conditions.
  3. The written voluntary correction agreement/compliance schedule will be in lieu of the issuance of further citations, or other actions as allowed by these regulations, so long as the written voluntary correction agreement/compliance schedule is adhered to as determined by the Health Officer.
  4. By entering into a written voluntary correction agreement/compliance schedule, the person responsible for the alleged violation shall waive the right to a hearing before the Health Officer under these regulations or otherwise, regarding the alleged violation.
  5. The Health Officer may grant an extension in time, or a modification in the terms, of the agreement if the person responsible for the alleged violation has shown progress towards correction of the violation and no threat to public health is determined to exist.
  6. The Health Officer may abate the alleged violation in accordance with these regulations if all of the terms of the written voluntary correction agreement/compliance schedule are not met, except that the person responsible for the violation shall not have the right to appeal the abatement order.

7. If all of the terms of the written voluntary correction agreement/compliance schedule are not met, the person responsible for the alleged violation shall be assessed all costs and expenses of abatement, as set forth in these regulations.
  8. Content. The written voluntary correction agreement/compliance schedule shall include the following:
    - a. The name and address of the person responsible for the alleged violation;
    - b. The street address, assessor's tax identification number, or other description sufficient for identification of the building, structure, premises, or land upon which, or within, the alleged violation has occurred or is occurring;
    - c. A description of the alleged violation and a reference to the regulation that has been violated;
    - d. The specific actions to be taken, and a date or time by which each action must be completed;
    - e. An agreement by the responsible person that the Health Officer may enter the property, building, structure, or premises and inspect as necessary to determine compliance with the written voluntary correction agreement/compliance schedule;
    - f. An agreement by the responsible person that the Health Officer may enter the property, building, structure, or premises to abate the violation and recover its costs and expenses from the responsible person if the terms of the written voluntary correction agreement/compliance schedule are not satisfied; and
    - g. An agreement that by entering into the written voluntary correction agreement/compliance schedule, the responsible person waives the right to a hearing before the Health Officer under these regulations or otherwise, regarding the matter of the alleged violation and/or required corrective action(s).
- c) Stop Work Orders. The Health Officer may cause a Stop Work order to be issued whenever the Health Officer has reason to believe that a violation of this

regulation is occurring. The effect of the Stop Work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until such time that the Health Officer has removed the order.

1. Content. A Stop Work order shall include the following:
  - a. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
  - b. The street address, tax assessor account number, or other description for identification of the building, structure, or land upon or within which the violation has occurred or is occurring;
  - c. A description of the violation and a reference to that provision of these regulations which has been, or is being, violated;
  - d. A statement of the action, or actions, required to be taken to correct the violation and a date or time by which the correction is to be completed;
  - e. A statement that each violation of this regulation shall be a separate and distinct offense, and in the case of a continuing violation that each day's continuance shall be a separate and distinct violation;
  - f. A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties; and
  - g. A statement that the person to whom the Stop Work order is directed can appeal the order to the Health Officer in accordance with the appeal procedures of these regulations.
2. Service of Order. The Health Officer shall serve the Stop Work order upon the property owner of the property where the alleged violation occurred or is occurring, or to any person causing, allowing, or participating in the violation, either personally or by mailing a copy of the notice by regular and certified, or registered, mail with a five (5)-day return receipt requested, to the violator at their last known address. A copy of the order shall also be posted on the property where the alleged violation occurred, or is

occurring.

3. Posting of Order. In addition to the service of order as described above, an additional notice shall be posted on the property in substantially the following form:

Under the authority of the Kitsap County Board of Health Ordinance 2008-01, *Onsite Sewage System and General Sewage Sanitation Regulations*, you are hereby required to immediately

**STOP WORK**

This order is in effect at this property for all work and activities that relate to violations of Kitsap County Board of Health Ordinance 2008-01, *Onsite Sewage System and General Sewage Sanitation Regulations*, and remains in effect until removed by the Health District. It is a violation of these regulations to remove, deface, destroy, or conceal a posted Stop Work Order. **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE ISSUANCE OF A CIVIL INFRACTION.**

d) Abatement Orders.

1. When the Health Officer has determined that a violation of these regulations has occurred or is occurring, or a public nuisance exists, in accordance with RCW 7.48, due to the inadequate management or control of sewage, they may issue an abatement order to the person responsible for the alleged violation. The abatement order shall require the responsible person to abate the violation or public nuisance within a reasonable period of time as determined by the Health Officer.
2. If the abatement order is not commenced or complied with within the specified time period, the Health Officer may proceed to abate the violation and cause work to be done in this regard.
3. Absent conditions that pose an immediate threat to the public's health, safety, or welfare, abatement orders shall be utilized by the Health Officer only after the civil penalties process under these regulations has been attempted as a means to correct the alleged violations, but the violations have not been adequately corrected as determined by the Health Officer.
4. Content. The abatement order shall include the following:

- a. The name and address of the person responsible for the alleged violation;
  - b. The street address, assessor's tax identification number, or other description sufficient for identification of the building, structure, premises, or land upon which, or within, the alleged violation has occurred or is occurring;
  - c. A description of the alleged violation and a reference to the regulation that has been violated;
  - d. The specific actions to be taken, and a date or time by which each action must be completed;
  - e. A statement that the costs and expenses incurred by the Health Officer, pursuant to these regulations, may be assessed against a person to whom the abatement order is directed; and
  - f. A statement that the person to whom the abatement order is directed can appeal the abatement order to the Health Officer in accordance with these regulations.
5. Service of Order.
- a. The Health Officer shall serve the abatement order upon the owner of the property where the alleged violation occurred, or is occurring, either personally or by mailing a copy of the order by regular and certified or registered mail, with a five (5)-day return receipt requested, to the owner at their last known address.
  - b. The order shall also be served on each of the following if known to the Health Officer or disclosed from public records:
    - i. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
    - ii. The owner or holder of any lease of record and the holder of any other estate or legal interest of record in, or to, the property or any structures on the property;

- iii. The failure of the Health Officer to serve any person as required herein shall not invalidate any proceedings hereunder as to any other person duly or relieve any such person from any duty or obligation imposed by the provision of this section;
    - iv. A copy of the abatement order shall also be posted on the property where the alleged violation occurred or is occurring.
- 6. Authorized Action by the Health District. Using any lawful means, the Health District may enter the subject property and may remove or correct the condition that is subject to the abatement.
- 7. Recovery of Costs and Expenses. The costs of correcting a condition which constitutes a violation of these regulations, including all incidental expenses, shall be billed to the owner of the property upon which the alleged violation occurred or is occurring, and shall become due within 30 calendar days of the date of mailing the billing for abatement.
- 8. Collection of Costs and Expenses. The costs and expenses of correcting a condition, which constitutes a violation of these regulations, shall constitute a personal obligation of the person to whom the abatement order was/is directed. The Health Officer shall send, within 15 days of abating the violation, to the person named in the abatement order a bill that details the work performed, materials used or removed, labor used, and the costs and expenses related to those tasks as well as any other costs and expenses incurred in abating the violation.
- e) Notice to Vacate. When a condition constitutes a violation of these regulations and poses an immediate threat to health, safety, or property of the public or persons residing on the property, the Health Officer may issue a notice to vacate.
  - 1. Content. A notice to vacate shall include the following:
    - a. The name and address of the person responsible for the alleged violation;
    - b. The street address, tax assessor account number, or description sufficient for identification of the building, structure, premises, or

- land upon which the alleged violation has occurred or is occurring;
- c. A description of the violation constituting an immediate threat to health, safety, or property of the public or persons residing on the property and a reference to the provision of these regulations that is being violated;
  - d. A date, determined by the Health Officer and commensurate with the severity of violation and threat to public health, by which any persons must vacate the premises in order to mitigate/eliminate the violation. In cases of an extreme threat to health or safety to persons or property, immediate vacation of the premises may be required;
  - e. The corrective actions required to be completed prior to re-occupancy of the premises; and
  - f. A statement that the person to whom the notice to vacate is directed can appeal the order to the Health Officer in accordance with these regulations.
2. Service Notice. The Health Officer shall serve the notice to vacate order upon the owner of the property, where the alleged violation occurred or is occurring, or the person responsible for the alleged violation, either personally or by mailing a copy of the notice by regular and certified or registered mail, with a five (5)-day return receipt requested, to said person at their last known address.
  3. Posting of Notice. In addition to providing service of notice as described above, notice shall also be posted conspicuously on the property where the alleged violation occurred or is occurring.
  4. Compliance. No person shall remain in or enter any building, structure, or property which has been posted for vacation except to make the specified corrective actions listed in the notice to vacate. No person shall remove or deface a vacate notice posting without the permission of the Health Officer. Health Officer review, inspection, and approval of the completed corrective action is required before the vacate order shall be removed.
- f) Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation

of these regulations, or rules and regulations adopted under them, or any state health law or regulation, or that otherwise threatens public health.

- g) Notice of Violation or Order – Failure to Respond or Appear. Unless contested or appealed in accordance with these regulations, any notice of violation or order issued by the Health Officer represents a determination that the person to whom the notice or order was issued committed the violation.

#### 4. Penalties.

##### a) Civil Penalties.

1. The violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to RCW 7.80, *Civil Infractions*.
2. The Health Officer may issue a notice of civil infraction pursuant to RCW 7.80 if the Health Officer has reasonable cause to believe that the person has violated any provision of these regulations, or has not corrected the violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard, and determined as described in RCW 7.80, and any applicable court rules.

##### b) Criminal Penalties.

1. Except as otherwise provided for in these regulations or under State law, any person violating any provision of these regulations is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25) , nor more than one-thousand dollars (\$1,000) , or to imprisonment in the county jail not to exceed ninety (90) days, or to both fine and imprisonment.
2. Any person who fails, neglects, or refuses to comply with an order of the Health Officer to correct a violation of these regulations pursuant to **Section 19.B.2.** shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than one-thousand dollars (\$1,000), or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
3. Any person who fails, neglects, or refuses to comply with a remedy identified in **Section 19.B.3.** shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than one-



thousand dollars (\$1,000), or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.

4. Any person who performs or conducts work on an OSS for commercial purposes or commercial/monetary gain, and does so without meeting the requirements of **Section 17**, shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
5. Any person who performs or conducts work on an OSS for commercial purposes or commercial/monetary gain, and does so after their certification, license, insurance, and/or bonding has been rescinded, shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000, or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.

c) Noncompliance Fees.

1. Pursuant to the most current Health District fee schedule as adopted by the Board of Health, the Health Officer may assess an hourly noncompliance fee to any person who has been found guilty of committing a violation of these regulations for Health Officer oversight, review, and/or inspections of a property to determine compliance with its permit, applicable regulations, or correction / compliance dates specified in a notice and order to correct violation, civil infraction, misdemeanor, or court ordered compliance date.
2. Whenever a noncompliance fee is assessed by the Health Officer, the fee shall be due and payable 30 days after receipt of the invoice by the violator.

## SECTION 20: Appeals

- A. Appeal of Health District Action – Administrative Review Conference with Environmental Health Director.
1. Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or enforcement action conducted by the Health District under this regulation, may submit a written request for an Administrative Review Conference with the Environmental Health Director, or their designee. The request shall be submitted on forms designated for use by the Health Officer along with the applicable fee, and shall detail and specify the reason why the appellant is assigning error to the Health District and requesting the action to be reviewed.
  2. Timelines for Appeal. A written application for administrative review shall be submitted to the Health Officer within 10 business days of the enforcement action, except for suspensions or revocations of a Health Officer-granted certification. A request for administrative review of a certification suspension or revocation shall be submitted to the Health Officer within five (5) business days of the action. Upon receipt of such request together with hearing fees, the Environmental Health Director shall notify the person of the time, date, and location of such hearing, which shall be set at a mutually convenient time not less than five (5) business days or more than 15 business days from the date the request was received. The Environmental Health Director may extend this timeline, for good cause, for up to an additional 15 days. The Environmental Health Director will issue a written decision concerning the disposition of the administrative review within 10 business days of the conference date, and may require additional actions as part of the decision.
  3. A request for administrative review is at the option of the aggrieved person. A request for administrative review shall in effect constitute a stay of the appeal process for the Health Officer Administrative Hearing and preserve all rights and timelines associated with the appeal process. The timelines for appeal shall become effective upon issuance of the written decision from the administrative review conference.
- B. Appeal of Health District Action – Health Officer Administrative Hearing.
1. Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or enforcement action conducted by the Health District under this regulation, may submit a written request for a hearing before the Health Officer, or their designee. The request shall be submitted on forms designated for use by the Health Officer along with the applicable fee, and shall detail and specify the reason why the appellant is assigning error to the Health District action being

appealed.

2. **Timelines for Appeal.** A written application for appeal shall be submitted to the Health Officer within 10 business days of the action appealed for all Health District actions, except for suspensions or revocations of a Health Officer-granted certification. An appeal of a certification suspension or revocation shall be submitted to the Health Officer within five (5) business days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time, date, and location of such hearing, which shall be set at a mutually convenient time not less than five (5) business days or more than 15 business days from the date the request was received. The Health Officer may extend this timeline, for good cause, for up to an additional 15 days. The Health Officer will issue a written decision concerning the disposition of the appeal within 10 business days of the hearing date, and may require additional actions as part of the decision.
3. **Incomplete or Untimely Appeals.** Incomplete appeal requests, or appeal requests that do not meet the specified timelines for appeal, shall not constitute a legal appeal under these regulations.

C. **Appeal of Administrative Hearing Decision – Board of Health Hearing.**

1. Any person aggrieved by the findings, decision, or required actions of a Health Officer administrative hearing shall have the right to appeal the matter by requesting a hearing before the Board of Health. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer, and shall be accompanied by the applicable hearing fee. The appellant and the Health Officer may submit additional information to the Board of Health for review and consideration.
2. **Timelines for Appeal to Board of Health.** A written application of appeal shall be presented to the Health Officer within five (5) business days of the findings and actions from the administrative hearing. Upon receipt of a timely written notice of appeal together with hearing fees, the Health Officer shall set a time, date, and location for the requested hearing before the Board of Health, and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five (5) business days or more than 30 business days from the date the appeal request was received by the Health Officer. Any decision of the Board of Health shall be final and may be reviewed by an action filed in superior court. Any action to review the Board of Health's decision shall be filed within 21 business days of the date of the decision.
3. **Stay of Action.** Any orders issued concerning the alleged violation shall remain in effect during the appeal to the Board of Health. Any person affected by an order to correct

violation may make a written request for a stay of the decision to the Health Officer within five (5) business days of the Health Officer's decision. The Health Officer shall notify the appellant in writing of their decision to grant or deny the stay request within five (5) business days of receipt of the request.

- D. Judicial Review. All decisions of the Board of Health shall be final unless review is sought by filing an action in any court of competent jurisdiction, as provided by the laws of this State.

## SECTION 21: Fee Schedule

### A. Purpose and Applicability:

1. The purpose of fees and service charges are to cover the costs and expenses of administering and enforcing these regulations.
2. Fees will be charged in accordance with the applicable Schedule of Service Charges as adopted by the Board of Health.
3. The Health Officer, at their discretion, may waive certain fees or service charges when:
  - a) The cost or expense of administering these regulations is covered by another revenue source;
  - b) There is no significant cost or expense incurred by administering these regulations due to special circumstances; or
  - c) The protection of public health overrides the recouping of applicable fees or service charges.

## SECTION 22: Immunity from Liability

Inspections, rules, and orders of the Health Officer resulting from the exercise of the provisions of these regulations shall not in any manner be deemed to impose liability upon the Health District, or its employees, for any injury or damage resulting from the administration and enforcement of these regulations. All actions of the Health Officer shall be deemed an exercise of the police power of the state.

## SECTION 23: Severability

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

## APPENDIX A: Local Policies

Contained under separate cover. Please contact the Health District or visit the website at [https://kitsappublichealth.org/environment/regulations\\_policies.php](https://kitsappublichealth.org/environment/regulations_policies.php).