

ORDINANCE NO. 158 -15

AN ORDINANCE AMENDING ORDINANCE #118-94 AND RCWC 70.06, UPDATING THE ON-SITE SEWAGE SYSTEMS CODE TO COMPLY WITH NEW STATE REQUIREMENTS

WHEREAS, The Wahkiakum County Department of Health supervises the design and installation of on-site sewer systems; and

WHEREAS, Wahkiakum County is required by RCW 43.20.505(5) to enforce rules adopted by the Washington State Department of Health; and

WHEREAS, those rules have been overhauled since the last time they were enacted into the Revised Code of Wahkiakum County; and

WHEREAS, to comply with state law and retain what local control it now has, it is necessary to modernize the local rules of on-site sewage system permitting and installation;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WAHIAKUM AS FOLLOWS:

1. Chapter 70.06 of the Revised Code of Wahkiakum County is hereby replaced in its entirety with the attached Exhibit A, which is incorporated herein by this reference as though fully set out.
2. This ordinance shall take effect immediately upon passage.

DULY PASSED AND ADOPTED this 17 day of February, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF WAHIAKUM COUNTY, WASHINGTON**

ATTEST:

Marsha LaFarge
Marsha LaFarge
Clerk of the Board

Mike Backman
Mike Backman, Chairman

Blair H. Brady
Blair H. Brady, Commissioner

APPROVED AS TO FORM this
13th day of January, 2015:
Daniel H. Bigelow
Daniel H. Bigelow, Prosecuting Attorney

Daniel L. Cothren
Daniel L. Cothren, Commissioner

EXHIBIT A

70.06.010 DEFINITIONS.

This section defines terms used in these regulations for on-site sewage systems. Wahkiakum County hereby adopts the definitions given in WAC 246-272A-010, except insofar as they may conflict with the following definitions, which are adopted in addition to those already mentioned:

"Alternative system" means any on-site sewage system consisting of treatment and/or disposal components other than a septic tank and a subsurface soil absorption system (SSAS).

"Approval" means acceptance by the health officer or department as stated in writing.

"Department" means the Washington State Department of Health.

"Health officer" means the health officer for Wahkiakum County or a representative authorized by and under the direct supervision of the health officer. The "health officer" is the local health officer of Wahkiakum County.

"Larger on-site sewage system" means any on-site sewage system with design flows, at any common point, between three thousand five hundred and fourteen thousand five hundred gallons/day. On-site sewage systems receiving state or federal grants, or systems using mechanical treatment or lagoons with ultimate design flows above three thousand five hundred gallons/day are excluded from this definition. Excluded systems are governed by Chapter 173-240 of the Washington Administrative Code which is administered by the Washington State Department of Ecology.

"Local Board of Health" means the Board of County Commissioners for Wahkiakum County, which serves as the Wahkiakum County Board of Health.

"Premises" means any structure where humans reside or work, including but not limited to, dwellings, lodging houses, hotels, apartment houses, churches, schools, hospitals, nursing homes, places of public assembly, restaurants, wholesale and retail stores, service stations, commercial buildings, office buildings, municipal and other publicly owned buildings, factories and workshops, nurseries, day care centers, manufactured homes, modular homes, mobile homes, trailer houses, floating homes, houseboats, boats used as houses, and agricultural buildings.

"Reutilization" means:

1. Reconnection with an on-site sewage system that has been disconnected, unused, or abandoned for less than six years.
2. Connection of a pre-existing on-site sewage system with a new or different structure; e.g., when a structure is destroyed and a replacement structure is built.

3. The continuing use of an on-site sewage system when the connected structure or structures undergo a significant change of use, expansion, or modification.

"Sewage" means the water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with groundwater infiltration, that may be present.

"Subsurface soil absorption system (SSAS)" means a system consisting of trenches (three feet or less in width) or beds (more than three feet in width), together with the piping and gravel, designed and installed in original undisturbed soil for the purpose of receiving effluent from a septic tank or other pretreatment device and transmitting it into the soil.

70.06.020 JURISDICTION.

On any premises within Wahkiakum County, Washington, where people reside or work, or where a recreational facility exists, and water is available under pressure, flush type toilet facilities shall be provided and connected to a public sewer, where accessible, or to an on-site sewage system as required under this chapter.

70.06.030 VARIANCE

This section enumerates conditions for waiver of the regulations set forth herein. By this reference, Wahkiakum County adopts WAC 246-272A-0420(1) as though fully set out herein.

70.06.040 GENERAL REQUIREMENTS.

- A. No sewage from any on-site sewage system shall directly or indirectly discharge upon the surface of the ground or into any surface waters within the County.
- B. The use of cesspools is not recommended and cesspools shall not be used in conjunction with or in place of an approved drainfield.
- C. A valid on-site sewage system permit shall be required prior to the issuance of a building permit, unless a public sanitary sewer is available and used.
- D. Disposal of sewage from boats, boat houses, floating homes, mobile homes, and all camping vehicles shall be in a manner approved by the Local Board of Health.
- E. No downspout or footing drain shall be directly or indirectly connected to a sewage disposal system. Drains shall be so constructed and installed that the surface water or groundwater shall not interfere with the proper operation of any on-site sewage system.

70.06.050 APPLICABILITY.

This section governs the applicability of this chapter. Wahkiakum County hereby adopts WAC 246-272A-0020, which is incorporated herein by this reference.

70.06.060 CONNECTION.

This section governs when connection to a public sewer system is required. Wahkiakum County hereby adopts WAC 246-272A-0025, which is incorporated herein by this reference.

70.06.070 LOCATION.

This section governs the location of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0210, which is incorporated herein by this reference.

70.06.080 SOIL AND SITE EVALUATION.

This section governs soil and site evaluation. Wahkiakum County hereby adopts WAC 246-272A-0220, which is incorporated herein by this reference.

70.06.090 DESIGN.

- A. This section governs general design requirements. Wahkiakum County hereby adopts WAC 246-272A-0230, which is incorporated herein by this reference.
- B. This section governs septic tank sizing. Wahkiakum County hereby adopts WAC 246-272A-0232, which is incorporated herein by this reference.
- C. This section governs soil dispersal components. Wahkiakum County hereby adopts WAC 246-272A-0234, which is incorporated herein by this reference.
- D. This section governs design to facilitate operation, monitoring, and maintenance of systems. Wahkiakum County hereby adopts WAC 246-272A-0238, which is incorporated herein by this reference.

70.06.100 HOLDING TANK SYSTEMS.

This section governs holding tank sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0240, which is incorporated herein by this reference.

70.06.110 INSTALLATION.

This section governs installation of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0250, which is incorporated herein by this reference.

70.06.120 INSPECTION.

This section governs inspection of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0260, which is incorporated herein by this reference.

70.06.130 DRAWINGS TO BE RECORDED.

This section governs the recording requirements of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0265, which is incorporated herein by this reference.

70.06.140 REPAIR, MAINTENANCE, AND USE.

- A. This section governs the responsibilities of on-site sewage system owners regarding operation, monitoring, and maintenance. Wahkiakum County hereby adopts WAC 246-272A-0270, which is incorporated herein by this reference.
- B. This section requires annual inspection of food service establishments. Wahkiakum County hereby adopts WAC 246-272A-0275, which is incorporated herein by this reference.
- C. This section governs repair of system failures. Wahkiakum County hereby adopts WAC 246-272A-0280, which is incorporated herein by this reference.
- D. This section governs expansion of systems. Wahkiakum County hereby adopts WAC 246-272A-0290, which is incorporated herein by this reference.
- E. This section governs abandonment of systems. Wahkiakum County hereby adopts WAC 246-272A-0300, which is incorporated herein by this reference.
- F. This section governs removal of septage from systems. Wahkiakum County hereby adopts WAC 246-272A-0310, which is incorporated herein by this reference.

70.06.150 DEVELOPMENTS AND SUBDIVISIONS.

This section governs developments, subdivisions, and minimum land requirements. Wahkiakum County hereby adopts WAC 246-272A-0320, which is incorporated herein by this reference.

70.06.160 CERTIFICATION.

This section governs the certification of installers, pumpers, and maintenance service providers. Wahkiakum County hereby adopts WAC 246-272A-0340, which is incorporated herein by this reference.

70.06.050 PERMITS.

A. No person shall install or cause to be installed a new on-site sewage system, nor perform any alterations, extensions or relocations or connections to an existing system without a valid permit issued by the health officer. Larger on-site sewage systems approved by the Washington Department of Health are exempt from permit requirements. Permits for alterations or repairs shall be so identified. Application for such permit shall be made in writing in a manner prescribed by the health officer, containing at minimum the information listed in paragraph B., *infra*. Each permit application shall include a reminder of the applicant's right of appeal.

B. Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local health officer:

(1) General information including:

- (a) Name and address of the property owner and the applicant at the head of each page of submission;
- (b) Parcel number and if available, the address of the site;
- (iii) Source of drinking water supply;
- (c) Identification if the property is within the boundaries of a recognized sewer utility;
- (d) Size of the parcel;
- (e) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;
- (f) Source of sewage, for example, residence, restaurant, or other type of business;
- (g) Location of utilities;
- (h) Name of the site evaluator;
- (i) Name, signature and stamp of the designer;
- (j) Date of application; and
- (k) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(2) The soil and site evaluation as specified under WAC 246-272A-0220.

(3) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

- (a) Designated areas for the proposed initial system and the reserve area;
- (b) The location of all soil logs and other soil tests for the OSS;
- (c) General topography and/or slope;
- (d) Drainage characteristics;
- (e) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and
- (v) An arrow indicating north.

(4) A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

- (a) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
 - (b) Vertical cross-section drawings showing:
 - (i) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and
 - (ii) Other new OSS components constructed at the site.
 - (c) Calculations and assumptions supporting the proposed design, including:
 - (i) System operating capacity and design flow;
 - (ii) Soil type; and
 - (iii) Hydraulic loading rate in the soil dispersal component; and
- (5) Maximum seasonal groundwater table; and
- (6) Distances of proposed system to water supply distribution lines and sources, surface water, banks or cuts, boundaries or property and structures or other improvements; and

- (7) Distance to public sewer system; and
 - (8) Proposed use of on-site sewage system; and
 - (9) Any additional information deemed necessary by the local health officer.
- (10) The local health officer may develop, or assist in developing, any information required above in the local health officer's discretion.

C. For any on-site sewage system proposed to serve a structure requiring a flood control zone permit under the provisions of Chapter 86.16 RCW or Chapter 86.16 RCW ~~and chapter 508-60 WAC~~, the installation permit shall not be issued until a flood control zone permit has been issued.

D. For new construction, no installation permit shall issue unless the applicant makes sufficient showing that the site has an adequate potable water supply.

70.06.060 POWERS AND DUTIES OF LOCAL HEALTH OFFICER

This section enumerates powers and duties of the local health officer with regard to the permitting process. Wahkiakum County hereby adopts WAC 246-272A-0200(4)-(8) by this reference.

70.06.070 LARGER ON-SITE SEWAGE SYSTEMS.

Approval of larger on-site sewage systems is the responsibility of the Washington State Department of Health. Plans and specifications for new construction or repairs or expansions to existing larger on-site sewage systems, bearing the signature of the owner or an authorized representative, shall be submitted to and approved by the Washington State Department of Health prior to construction.

70.06.110 SEWAGE DISPOSAL AT CONSTRUCTION SITES.

It is unlawful for any contractor or builder to engage in business on any site where adequate toilet facilities and sewage disposal are not provided in accordance with the following requirements:

- A. All persons or firms employing one or more employees at each job site shall provide adequate sanitary toilet facilities.
- B. Facilities shall be within the area of the construction site and they shall be properly constructed and maintained chemical or flush type toilets.
- C. Collection and/or disposal of sanitary wastes shall be in a manner that meets the approval of the County Health Officer.
- D. All exceptions shall be approved by the Local Health Board. Meeting the foregoing requirements shall be deemed compliance with the provisions of this chapter.

70.06.120 INSPECTION AND APPROVAL.

A. The health officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.

B. It shall be the duty of the owner or occupant of a property to give the health officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with this chapter.

C. Requests for inspection of any work done on an on-site sewage system shall be made to the office of the County Health Department not less than twenty-four hours before the time set for the inspection.

Arrangements between the installer and the County Health Department as to completion and inspection dates shall be made twenty-four hours before inspection. If inspector does not appear at agreed time, the installer may cover installation without penalty.

D. If, upon inspection of the work on an on-site sewage system, the County Health Officer or his or her authorized representative shall find, at any time, that any work done, or material used, is not in accordance with this chapter, he may suspend the permit, or may notify the owner or installer in writing to make necessary corrections; and if such corrections are not made within a reasonable time, the County Health Officer shall then revoke the permit and it shall be unlawful to use such on-site sewage system.

E. At the time of the final inspection, after the work is done on an on-site sewage system, and if such system is in accordance with the provisions of this chapter, the County Health Officer or his authorized representatives shall indicate approval of said installation by signing, immediately, the on-site sewage system permit.

F. The County Health Officer's approval for all or any part of an on-site sewage system will be effective only if the approved on-site sewage system is completed within two years of the date of approval.

G. If the County Health Officer upon final inspection shall disapprove the system, he or she shall so notify the owner, stating his reasons for such disapproval in writing and it shall then be unlawful to use such system.

H. If the County Health Officer shall approve such work and such system, he or she shall so notify the owner or installer in writing and then such work shall be covered and such system may be used; except that individuals or private installers will keep the system open until County Health Department Inspection.

I. The areas left open for inspection shall be inlet of septic tank, outlet of septic tank, ends of drainfield, and distribution box or boxes, if any.

70.06.180 REUTILIZATION.

- A. Reutilization is a violation of this chapter unless permitted.
- B. The Health Officer shall permit reutilization of an on-site sewage system under its already-existing permit if he or she determines, upon inspection, that the on-site sewage system sought to be reutilized can be effectively used for at least five years without undue risk to the public.
- C. No on-site sewage system that has been abandoned or unused for more than six years may be reutilized.
- D. In the event the Local Health Officer denies an on-site sewage system sought to be reutilized pursuant to section 2 above and no on-site sewage system that complies with this chapter can be built to replace it, the Local Health Officer will work with the applicant with the aim of developing the best possible replacement system and qualifying for a variance pursuant to RCWC 70.06.030.

70.06.190 TRANSFER OF PERMIT.

Insofar as it is consistent with this chapter, permits for on-site septic systems should be understood to travel with the land so permitted. During the two-year period during which a permit is valid pursuant to RCWC 70.06.120(f), such permit may be transferred along with the ownership of the underlying land. The County Health Department shall provide procedures for such transfer. The procedures shall include, at minimum:

- (a) Application by the new owner on a form that includes the original permit number, the original owner, and the name of the new permit holder;
- (b) A re-inspection fee, to be set pursuant to RCWC 70.06.250;
- (c) Re-inspection of the site to determine whether conditions and use remain the same as when the permit was issued.

After re-inspection, the permit may be denied or modified.

70.06.200 ENFORCEMENT.

- A. It shall be the duty of the County Health Officer to enforce this chapter.
- B. For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: the Wahkiakum County Health Officer, the Administrative Officer of the Wahkiakum County Health Department, any Environmental Health Specialist employed by the Wahkiakum County Health Department.

70.06.210 APPEALS.

Any person, firm, corporation or partnership, having applied for a permit or a variance under any section of this chapter, may, after written refusal by the County Health Officer, appeal said decision by the following procedure:

- A. By filing a written Notice of Appeal with the Wahkiakum County Board of Health. Such Notice of Appeal must be filed with the County Auditor within ten days of the date of issuance of the health officer's written determination.
- B. The Wahkiakum County Board of Health shall, within twenty-one days after the filing of said Notice of Appeal, meet to hear said complaint and shall record its findings upon such complaint within its minutes. The decision of the Wahkiakum County Board of Health shall be final.
- C. The Wahkiakum County Board of Health shall give notice in writing not less than ten days prior to such hearing to the appealing person, firm, corporation or partnership of the date, time, and place of the hearing.

70.06.220 VIOLATIONS--PENALTIES.

A. Unless otherwise specifically provided herein, any violation of any provision of this chapter is a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be Two Hundred Fifty Dollars, not including statutory assessments. In the case of a continuing violation of any provision of this chapter, every day's continuance shall be a separate and distinct violation.

B. In addition to the monetary penalties set forth in subsection A of this section, the court may also order a person found to have committed a violation of this chapter to make restitution for environmental or other damage caused by such violation.

70.06.230 FAILURE TO PAY MONETARY PENALTIES--PUNISHMENT.

Whenever a monetary penalty is imposed by the Court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Willful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

70.06.240 VIOLATIONS--INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED--PUBLIC NUISANCE ABATEMENT.

The health officer for Wahkiakum County may bring an action to enjoin a violation of

any of the provisions of this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of the provisions of this chapter relating to the construction, maintenance, and repair of on-site sewage systems are declared to be public nuisances. The health officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

70.06.250 FEES.

The Wahkiakum County Health Department shall assess fees for permits, inspections, and services rendered pursuant to this chapter in accord with the Health Department's fee schedule as adopted and revised from time to time by resolution of the Board of County Commissioners.

NOTICE OF PUBLIC HEARING ON AMENDING AN ORDINANCE
UPDATING THE ON-SITE SEWAGE SYSTEMS CODE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Wahkiakum County, Washington, will hold a public hearing commencing: February 17, 2015, at 10:00 a.m. in the Commissioners' public meeting room, 3rd floor, Wahkiakum County Courthouse, 64 Main Street, Cathlamet, Washington, for the purpose of determining whether or not the ordinance amending ordinance #118-94 and RCWC 70.06, updating the on-site sewage systems code to comply with new state requirements shall be adopted, and at which hearing any person may appear and be heard for or against said ordinance. A complete copy of said ordinance can be view at the county's website: www.co.wahkiakum.wa.us or by requesting a copy from the Clerk of the Board by phone: 360-795-8048 or by email: lafargem@co.wahkiakum.wa.us.

DATED this 3rd day of February, 2015.



Mike Backman, Chairman

Published: February 5 and 12, 2015

Posted on County's Website: February 3, 2015