

ORDINANCE NO.

AN ORDINANCE ADOPTING THE ON-SITE SEWAGE SYSTEM ORDINANCE

SECTION 1. Title.

This chapter shall be called the “Cowlitz County On-Site Sewage System Code.”

SECTION 2. Purpose and Authority.

The purposes of this chapter are as follows:

1. To promote and protect the public health, safety and general welfare;
2. Achieve effective long term sewage treatment and effluent dispersal;
3. To ensure that On-Site Sewage Systems adequately support complete build out of subdivision lots, safeguard aquatic habitat, and protect waters of the state.

Pursuant to the authority of the local board of health as authorized by RCW 70.05, these regulations are hereby established as minimum requirements of Cowlitz County governing on-site sewage disposal systems.

SECTION 3. Administration.

The local board of health does hereby adopt as minimum requirements the rules and regulations set forth in Chapter 246-272A WAC as now codified or hereafter amended. Where, the provisions of Chapter 246-272A WAC and the amendments of this ordinance conflict, the more stringent regulation shall apply.

The local health officer through his/her designee shall administer this ordinance under the authority and requirements of chapters RCW 70.05, 70.118, 70.08, 70.46, 43.70 and WAC 246-272A, as now written or as these may be hereafter amended or replaced. This ordinance supplements these statutes and rules.

The local board of health adopts in its entirety as rule and regulation of Cowlitz County all “Washington State Department of Health Recommended Standards and Guidance” and “Approved On-Site Products in the State of Washington” as currently written or hereafter amended, subject to the waiver process of this ordinance.

As the administrator of this chapter, the local health officer requires all applications under this chapter shall be submitted to the Cowlitz County Building and Planning Department (“Department”); that processing of said applications shall be pursuant to this chapter; and under the direction and supervision of the local health officer, the Director of the Department or his/her designee shall administer the provisions of this chapter. The Director shall prepare any forms necessary to administer the provisions of this chapter.

SECTION 4. Definitions.

In addition to those contained in WAC 246-272A, for the purpose of this ordinance, the following definitions shall also apply:

1. “CCC” means Cowlitz County Code.
2. “ASTM” means the American Society for Testing and Materials, which is an international standards developing organization that develops and publishes technical standards for a wide range of materials, products, systems, and services.
3. “Connections” means a new SFD connecting to an unused On-Site Sewage System that has been installed for a period greater than two (2) years.
4. “Continuing Education Unit” (or “CEU”) means six (6) contact hours of participation annually in an organized technical educational experience, under responsible sponsorship, capable direction and qualified instruction acceptable to the Department pertaining to on-site sewage treatment and disposal.
5. “DOH” means the Washington State Department of Health.
6. “DOL” means Washington State Department of Licensing.
7. “Designer” means a licensed Washington Professional Engineer or On-site Wastewater Treatment System Designer licensed by the Washington State Department of Licensing.
8. “Department”, if not specified otherwise, means the Cowlitz County Building and Planning Department.
9. “Equal Gravity Drainfield” means an On-Site Sewage System that utilizes a distribution box to divide wastewater evenly to multiple independent trenches on 0 slope or sloped sites.
10. “Failure” means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include, but are not limited to:
 - a. Sewage on the surface of the ground;
 - b. Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
 - c. Sewage leaking from a septic tank, pump chamber, holding tank, septic system component other than the drainfield, or collection system;
 - d. Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
 - e. Inadequately treated effluent contaminating ground water or surface water, as demonstrated through: (1) a positive tracing dye result; or (2) a coliform count of at least 500 organisms per 100 *ml* of water, or (3) the presence of the disposal component of the on-site sewage system located in ground water; or

- f. Noncompliance with conditions stipulated on the On-Site Sewage System permit.
 - g. May include any system not permitted for installation by the Department
11. “GPD” means gallons per day.
 12. “Health Officer” means the health officer of Cowlitz County or his/her designee.
 13. “Installer” means a septic installer, or their certified employee, licensed under Section 20 of this ordinance. **Note:** Homeowners may install certain types of OSS under section 13 of this ordinance.
 14. “Loop Gravity Drainfield” means an On-Site Sewage System that utilizes a single trench that is looped or connected together.
 15. “LOSS” means Large On-site Sewage Systems a septic system with daily design flows of 3500 gallons per day or greater. Large On-site Sewage Systems are regulated by the Washington State Department of Health or the Washington State Department of Ecology.
 16. “O&M” means the Operation and Maintenance of an On-Site Sewage System performed by a licensed or certified septic system O&M provider or a resident homeowner as provided under section 16 of this ordinance.
 17. “Ordinance” means the Cowlitz County ordinance regulating on-site sewage disposal and treatment.
 18. “OSS” means an On-site sewage system as defined in State code.
 19. “Pumper” means a septic pump truck operator licensed or certified under Section 20 of this ordinance.
 20. “Permitted” means an OSS that was issued an installation permit and a final approval by the county. Systems that have been found to have been installed according to the installation permit but are lacking final approval may be considered Permitted provided that the health of the public and the environment are protected.
 21. “Proprietary Product” has the meaning given in WAC 246-272A, or as hereafter amended, “means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.”
 22. “Re-Connection” means a new SFD connecting to an existing On-Site Sewage System that has been previously connected to a SFD.
 23. “Record drawing” has the meaning given in WAC 246-272A and also replaces the document formerly referred to as “as-built”.
 24. “Septic system O & M provider” means a person licensed under Section 20 of this ordinance, or their certified employee, to evaluate the condition and functioning of the components of an

25. “Serial Gravity Drainfield” means an On-Site Sewage System that is multiple, serially connected trenches built on a sloping site and used in sequence from the highest to the lowest trenches. Effluent must completely flood the higher elevation trench before effluent will move to the next successive trench via relief lines or drop boxes.
26. “SFD” means a Single Family Dwelling.

Wherever consistent with the content of this chapter, words in the present, past, or future tenses shall be construed to be interchangeable with each other, and words in the singular number shall be construed to include the plural.

SECTION 5. Local management and regulation.

Under the authority of the local health officer, the Department may organize a local technical review committee to identify Areas of Special Concern where OSS could pose an increased public health risk. The following areas will be given priority in this activity:

1. Designed wellhead protection areas for Group A & B water systems.
2. Areas where nitrogen has been designated as a contaminant of concern.
3. Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, Chapter 36.70A RCW.
4. Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge.
5. Areas with seasonally high ground water.
6. Areas with type 1 soil.

SECTION 6. Applicability

1. A valid sewage system design approval issued prior to the effective date of these regulations:
 - a. Shall be acted upon in accordance with regulations in force at the time of issuance;
 - b. Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond the date these regulations are put in force, whichever assures the most lenient expiration date; and
 - c. May be modified to include additional requirements if the Department determines that a threat to public health and/or the environment exists.

2. For structures requiring OSS, the Department shall ensure:
 - a. That building permits are not issued until an OSS design is approved by the Department; and
 - b. That final occupancy is not granted until final approval has been given for the OSS by the Department.
3. An installation permit shall be valid for two years from the date of issue.
4. When an installation permit expires, a new permit must be applied for and fees paid prior to installation.
5. All applications for design review will be good for 12 months from the date of application, except:
 - a. Applications requiring a winter water test will be given an additional 12 months.
 - b. Designs requiring revision will be given thirty additional days per revision to a maximum of 90 additional days.
6. Where people congregate there shall be a means of sewage disposal approved by the Department. This shall include all recreational sites, concert events, churches, social clubs, shooting ranges or clubs, temporary campgrounds, all work and construction sites in which three or more people are employed for more than three consecutive days, and all other places where toilet facilities are necessary to protect the public health. Portable toilets may only be used to satisfy the requirements for temporary events or locations. Where portable toilets are used, to satisfy these requirements, there must be sufficient capacity for the expected number of people, and hand washing must be available.
7. All places where people reside must have a means of sewage disposal acceptable to the Department.
8. Any unit/facility with the potential to generate wastewater by virtue of being equipped with a toilet, sink, shower or other plumbing fixture shall be connected to an approved public sewer or shall be connected to an on-site sewage system acceptable to the Department.
9. Parcels that have total combined design flows of 3500 GPD or more must be designed as a large on-site sewage system (“LOSS”).
10. Parcels with multiple systems that cumulatively total 3500 GPD or more must design their systems as LOSS.
11. Recreational facilities, as permitted by CCC 18.56, that have a proposed total daily design flow of 3500 GPD or greater, for the project, must have their systems designed as LOSS.
12. New OSS designs for lots in the process of being created through subdivision will not be approved until the subdivision process is complete except:

- a. One OSS may be approved on a parent parcel undergoing subdivision if there is currently no other OSS on that parent parcel; and
- b. Repairs and replacements may be made to existing OSS on parcels undergoing subdivision.

SECTION 7. Connection-Reconnection Requirements

1. To connect or reconnect to a permitted OSS installed after January 1st, 2004, the following must be provided to the Department:
 - a. A passing operations and maintenance inspection report from a professional O&M provider, licensed under Section 20 of this ordinance, or the original Designer or original Licensed Installer.
 - i. Proof that the reserve area is designated and protected.
 - ii. Pump receipt, if pumping of the tank was shown to be necessary
 - b. An O&M notice recorded with the Auditor's Office and a current contract on file with the Department, if applicable.
2. To connect or reconnect to a permitted OSS installed before January 1st, 2004:
 - a. Contact a Designer to do the following:
 - i. Prepare an evaluation of the system meeting the permit submittal criteria per WAC 246-272A-0200.
 - ii. Inspect the OSS to determine functionality.
 - b. The evaluation must show that the OSS meets the code standard of the time that it was installed.
 - i. If the system does not meet the standard of the time, an OSS meeting current code must be installed; or
 - ii. The current OSS may be brought to meet the infiltrative absorption area requirements at the original time of installation, if possible. A permit will be required if this is done.
 - c. Provide an O&M inspection report meeting the requirements of Section 16 of this ordinance.
 - i. Pump receipt, if pumping of the tank was shown to be necessary.
 - d. An O&M notice recorded with the Auditor's Office and a current contract on file with the Department, if applicable
 - e. O&M frequency shall match section 16 of the Cowlitz County On-Site Sewage System Ordinance unless more frequent inspections due to age, condition, or environmental risks are deemed necessary by the Department.
 - f. A reserve area is designated and protected, with two soil logs in or immediately adjacent to the area.
 - g. An approved Verification of Existing OSS permit from the Department.
3. When the new dwelling exceeds the original flow and/or original waste strength of the existing permitted OSS

- a. A design from a State of Washington Licensed Designer or Professional Engineer that addresses the flow change and/or increased waste strength that meets current code.
 - b. An O&M notice recorded with the Auditor's Office and a current contract on file with the Department, if applicable
4. Un-permitted OSS must have:
- a. A design from a State of Washington Licensed Designer or Professional Engineer meeting the design submittal criteria of the current code. An O&M notice recorded with the Auditor's Office and a current contract on file with the Department, if applicable
 - b. An OSS meeting current code must be installed prior to occupancy.

SECTION 8. Location

Justification for reducing setback to an individual well, individual spring, or surface water not used as a public water source from a minimum of 100 feet to a minimum of 75 feet shall be provided by the Designer using the justifications described in WAC 246-272A-0210(4).

SECTION 9. Soil and site evaluation.

All septic designs are subject to a pre-design approval visit by the Department. All OSS design submissions for new, table IX repair, and/or alterations will require the following:

- 1. A complete OSS application submitted to the department;
- 2. Reserve and primary area to be clearly staked and labeled where applicable;
- 3. Well head or proposed well location clearly marked if less than 200 feet from proposed primary or reserve drainfield;
- 4. OSS designs shall show a minimum of two soil logs in or immediately adjacent to the primary drainfield and two soil logs in, or immediately adjacent to the reserve drainfield area;
- 5. Winter water tests will be required for all sites with 18 inches or less of soil above a restrictive layer due to high water table, unless waived by the Department.
- 6. Soil and site evaluations will be valid for a period not to exceed five (5) years from the date of approval except:
 - a. The original designer may re-evaluate the site within eight (8) years of the approval of the initial design;
 - b. New test holes may be required when the original conditions of the site are not well documented or known or cannot be reasonably determined.
- 7. Soil probes and augers will not be allowed for the purpose of describing soils to meet design criteria; and
- 8. All test holes must be constructed in a manner to provide for the safety of the individuals entering them. Test holes must be constructed to meet the following minimum standards:

- a. Test holes must be a minimum of twenty four inches wide and have an access slope on one side with a slope of no more than forty degrees.
- b. Test holes deeper than four feet must have a bench constructed at four feet below ground surface.
- c. Benches in test holes must be a minimum of twenty inches wide with zero or nominal slope.
- d. Test holes may not exceed a depth of six feet unless by permission is granted by the Department.
- e. In unstable soils, holes deeper than four feet must be shored or constructed in a manner that reasonably assures the safety of individuals entering therein.

SECTION 10. Design requirements - General

1. All OSS must be designed by a Designer except:
 - a. Individuals, certified by the DOL as Certified On-site Wastewater Treatment Systems Inspectors, may design an OSS for their own residence.
2. OSS design submittals shall utilize the forms and guidelines provided by the Department.
3. For new designs, timed dosing shall be required for all pressure distribution drainfields except:
 - a. When pumping from an intermittent sand filter to the drainfield.
 - b. When pumping from an intermittent sand filter to a sand mound.

SECTION 11. Design requirements – Septic tank sizing

1. Septic tanks shall have an effluent filter installed in the outlet baffle except where a pump vault filter is used.
2. All tanks require liquid tight, minimum 20-inch diameter, risers on every chamber of septic tanks and pump chambers with a secured lid extended to a level at or above final surface grade. Risers and riser lids shall not be constructed of concrete.
3. Risers shall be secured to tanks by the following methods:
 - a. Tanks with cast in place riser rings will have risers adhered with the manufacturer recommended adhesive
 - b. Bolt on riser rings may be used following manufacturers recommendations
 - c. Risers adhered directly to concrete tanks shall use the riser manufacturers recommended adhesive
 - d. Polyethylene and Fiberglass tanks shall use tank manufacturers risers and installation recommendations
 - e. Spray Polyurethane Foam or Mortar will not be permitted as a riser adhesive for any tanks

4. Minimum Tank sizes are:
 - a. 1000 gallons minimum capacity for any SFD up to, and including, three (3) bedrooms; and
 - b. 250 gallons additional capacity for each bedroom over three (3).
 - c. Where existing tanks are proposed to be reused they must meet the state standards in place at the time of reuse.
5. For pump chamber sizing, volume calculations are to be based upon the volume from the off position of the on/off float plus 175% of the daily designed flow.

SECTION 12. Design requirements – Soil dispersal components.

1. There shall be a minimum of three (3) feet, of undisturbed native soils, between trench sidewalls excluding subsurface drip systems.
 - a. Drainfields with the designated reserve area between trenches must have a minimum 6 foot spacing sidewall to sidewall between trenches
2. Sand Mound systems having a total of 36 inches of vertical separation (sand under the bed + native soil to restrictive layer), but less than 24 inches of sand under the bed, shall be allowed for sites requiring treatment level C or lower with a minimum of 12 inches of sand under the bed.
3. Serial distribution drainfields shall be placed in a minimum of 12 inches of original, undisturbed soil measured on the downhill side of the trench.
4. Loop distribution systems are only suitable for flat sites as the entire trench bottom must be the same elevation.
5. The laterals of equal gravity distribution drainfields must be within five feet of the same length.
6. Distribution boxes must:
 - a. Have access at grade;
 - b. Be set level on concrete, compacted soil, or native undisturbed soil;
 - c. Have a 90 degree turn down or a baffle on the inlet pipe if it falls directly across from a drainfield lateral outlet; and
 - d. Have adjustable weirs on distribution and drop box outlet pipes except for dosing gravity systems.
7. Individual trenches shall have observation ports on each distal end that provide visual access to the infiltrative surface.

SECTION 13. Installation

Installation of an OSS must be performed by an installer licensed according to Section 20 of this ordinance, except:

1. Individuals, certified by the DOL as Certified On-site Wastewater Treatment Systems Inspectors, may install an OSS for their own residence.
2. Homeowners, or their immediate family members, may install an OSS every two years for a home that they inhabit and/or intend to inhabit for at least two years after construction if they meet the following requirements:
 - a. Homeowners should attend an instructional class for homeowner installation approved by the Department;
 - b. Homeowners must successfully complete a test for competency administered by the Department;
 - c. Homeowners must follow the approved design; and
 - d. Homeowners who utilize the help of any individual, who is not a licensed installer under Section 20 of this ordinance, bear the responsibility to insure the OSS is correctly installed.
3. Homeowner installers are responsible to insure that the installation meets all state and county standards. When the system is not installed to these standards the homeowner installer may:
 - a. Be subject to enforcement under Section 22 of this ordinance;
 - b. Not be allowed to utilize the OSS until given final approval by the Department; and
 - c. Not be given final approval until a licensed installer approves the installation.
 - i. All cost(s) for approval by an independent licensed installer will be born by the homeowner.
4. Homeowners may only install OSS that do not include proprietary products, excluding gravelless distribution products.

SECTION 14. Inspection

For all activities requiring a permit:

1. Before the final construction inspection, the Designer shall submit to the Department a record drawing and Designer OSS certification.
 - a. Designer certification must include individual squirt heights for each lateral, measured drawdown, and timer settings if applicable.
2. Prior to final inspection, the Designer shall provide to the Department all documents required by the Department in either of two ways:
 - a. Leave onsite in a waterproof container conspicuously located; or
 - b. Submit to the Department office.
3. The permit applicant shall consent to reasonable inspections by the Department or other county agency, as a condition precedent to the issuance of any permit or authorization by the Department.

The Designer shall assure the OSS meets the standards of this chapter, or the conditions of any authorized waiver.

The installer and Designer of the OSS shall be responsible to assure that the system meets the approved design and system location.

SECTION 15. Record Drawings.

Record drawings for new construction, alterations, table IX repairs, and connections to undocumented OSS systems must:

1. Be submitted to the Department by a Designer except:
 - a. Tank replacements may have record drawings submitted by licensed installers;
 - b. DOL Certified On-site Wastewater Treatment System Inspectors may submit record drawings for OSS that they design or install.
2. Have a permanent landmark, such as a property corner, structure, well head, or geologic feature, not including trees, by which the OSS can be located at a future date;
3. Designate a north arrow;
4. Include horizontal scale bars;
5. Be submitted on a paper size determined by the Department; and
6. Be drawn in 1:10, 1:20, 1:30, 1:40, or 1:50 scale or as determined by the Department.

SECTION 16. Owner Responsibilities – Operation, Monitoring and Maintenance

1. An OSS owner is required to:
 - a. Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with regulations and any permits:
 - i. At least once of every three years for all systems consisting solely of a septic tank and a gravity SSAS or a pump to gravity SSAS;
 - ii. Annually for all other systems unless more frequent inspections are specified by the manufacturer or local health officer;
 - b. Participate in training approved by the County, if they wish to perform O&M on a system they own, except:
 - i. Homeowners are not required to participate in training if the OSS consists of a septic tank and gravity SSAS or a pump to gravity SSAS;
 - ii. Homeowners must utilize the services of an O&M professional for systems containing proprietary products as defined in WAC 246-272A-0010.
 - c. Obtain repairs or corrections for any problems identified during O&M inspections in an expedient manner.
 - d. Have a current O&M contract, with a licensed provider, when the OSS includes a proprietary product, excluding gravelless distribution products, as defined in WAC 246-272A-0010.

2. At the time of property transfer, except for intra-family transfers, judicial or non-judicial foreclosures, probate proceedings, or other judicially ordered transfers, an OSS owner is required to provide to the property buyer a current operations and maintenance inspection report performed by an O&M professional, licensed under section 20. The inspection must have been performed within the last 12 months, except for systems consisting solely of a tank and gravity SSAS or pump to gravity SSAS, which must have been performed in the last 36 months.
3. The owner of every residence, business, or other place where persons congregate, reside or are employed that is served by an OSS, and each person with access to deposit materials in the OSS, shall use, operate, and maintain the system to eliminate the risk to the public associated with improperly treated sewage. Owners' duties are included, without limitation, in the following list:
 - a. Shall comply with the conditions stated on the on-site sewage permit if it exists;
 - b. Shall employ an approved pumper to remove the septage from the tank(s) when the level of solids and scum indicates that removal is necessary. The septic tank shall be pumped when the sludge accumulation is within twelve inches of the bottom of the outlet baffle or when the scum layer is within three inches of the bottom of the outlet baffle or the scum layer is within one inch of the top of the outlet baffle in either compartment or, when the total amount of solids, in either chamber, equals or exceeds one-third the volume of the chamber, whichever is most lenient. The pump and/or siphon chamber(s) shall be pumped when solids are observed;
 - c. Shall keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
 - d. Shall not deposit solid, hazardous waste, or chemicals other than household cleaners in the OSS;
 - e. Shall not deposit waste or other material that causes the effluent entering the drainfield to exceed the parameters of residential/household waste strength;
 - f. Shall not build any structure in the OSS area or reserve area without express, prior consent of the Department;
 - g. Shall neither place nor remove fill over the OSS or reserve area without express, prior consent of the Department;
 - h. Shall not pave or place other impervious cover over the OSS or reserve area;
 - i. Shall divert drains, such as footing or roof drains, away from the area of the OSS;
 - j. Should not dispose of excess food waste via a garbage disposal unless the OSS is specifically designed to accommodate such food waste;
 - k. Shall not drive, park or store vehicles or equipment over the drainfield or reserve area;
 - l. Shall not allow livestock access to the OSS area; and
 - m. Should not allow livestock access to the OSS reserve area.
4. Any person performing operations and maintenance inspections on OSS, for the purpose of property transfer or for a fee, must be licensed according to section 20 of this ordinance.

5. All OSS which require professional O&M, prior to being given final approval of the Department are required to:
 - a. Have a current and valid O&M contract on file with the Department and;
 - b. To record with the Cowlitz County Auditor's Office a notice of the requirement that an O&M contract is required, prior to final approval of the Department.

6. O&M reports must be submitted on a form or in a manner approved by the Department.

SECTION 17. Operation, monitoring and maintenance – Food service and other Cowlitz County Health Department permitted establishments.

The Department requires the following:

1. Annual O&M inspections of the OSS serving regulated establishments such as food service operations, camping facilities, mobile home parks, and R.V. parks;
2. Review and approval of changes to the OSS, if inspections or plan reviews document the potential for quality or quantity changes to the establishment's sewage flow. Regulated establishments utilizing OSS shall submit information to the Department upon any change in ownership or of menu or operation to determine if it will affect sewage quantity or quality.
3. An evaluation by a Designer for any changes determined by the Department to have a potentially deleterious effect on the OSS.
4. The establishment to repair or replace their OSS, in an expedient manner, if any problems are found.

The local health officer:

- a. Shall not issue a food permit to any new food establishment not meeting the standards of this code or current state code.
- b. Shall not issue a food permit to any food establishment that has undergone a change of ownership that utilizes OSS, where the OSS is determined by the Department to be inadequate.
- c. Shall have cause not to renew a food permit to an existing food establishment which utilizes OSS if mandated annual inspection is not complete or OSS is determined to be inadequate by the Department.

SECTION 18. Repair of failures.

In the event of a failed OSS, the following shall be required:

1. Septic tank replacements must meet all setback requirements of WAC 246-272A-0210 Table IV unless otherwise permitted by the Department.
2. All Table IX repairs on soils with less than twelve inches of vertical separation must meet treatment level A regardless of horizontal setbacks.
3. Before receiving final approval, all Table IX repairs require an O&M contract be in effect, and notice of required O&M recorded,

4. Semiannual reports are required for treatment level A table IX repairs with no reserve area.
5. When an O&M provider or the Department finds an OSS to be failing or in need of repair the OSS owner must ensure that all necessary repairs or replacement of OSS are completed in an expedient manner.
6. All repairs for failure that do not meet current requirements of this ordinance, shall have a notice recorded with the Cowlitz County Auditor that an O&M contract is required and a current O&M contract on file with the Department; except gravity distribution systems and pump to gravity systems do not require a contract on file.

SECTION 19. Developments, Subdivisions, and minimum land area.

1. Approval of a subdivision, that will utilize OSS, will require at least four soil logs per proposed lot. The determination of the minimum lot size or minimum land area required for the proposed lot(s) within the development shall use Method I and Table X of WAC 246-272A or current code unless:
 - a. Method II will be allowed for creation of a new lot only if a Designer can show:
 - (1) That a primary drainfield and a reserve drainfield can completely fit within each proposed lot; and
 - (2) A 100 foot well radius can completely fit within the parent parcel with all required setbacks for each lot created if the subdivision will not be served by a public water system.
2. Existing legal lots of record that are less than 12,500 square feet and are not a repair or replacement of an existing system shall not be permitted to install a new OSS system unless the following is met:
 - a. Lot is greater than 200 feet from a public sewer system or LOSS;
 - b. Lot is on a public water supply or the Designer can show that a well can fit within the lot meeting all setbacks or the lot is using a shared well on another property;
 - c. The proposed OSS system meets at minimum treatment level B;
 - d. A primary and reserve area are set aside;
 - e. Prior to final approval, a notice is filed with the Cowlitz County Auditor indicating that an O&M contract is required;
 - f. An O&M contract is on file with the Department; and
 - g. A current O&M contract is maintained.
3. Lot(s) within a proposed subdivision that will utilize an OSS must show the ability to support an OSS primary and reserve area on each proposed lot.
4. For each lot of all subdivisions proposing to use OSS, a soil and site evaluation are required.

SECTION 20. Licensing of installers, pumpers, and maintenance service providers.

1. Septic work done by persons who are not licensed according to Section 20 of this ordinance is strictly prohibited; except for homeowners meeting the requirements of Section 13 of this ordinance.
2. The Department will not permit, inspect, or give final approval to any septic installations or repairs performed by anyone who is not licensed according to Section 20 of this ordinance, except:
 - a. Homeowners may install their own OSS if they meet the conditions of Section 13 of this ordinance; and/or
 - b. Individuals, certified by the DOL as Certified On-site Wastewater Treatment Systems Inspectors, for their residence.
3. The Department will not accept pump receipts from any unlicensed individuals. Pump receipts are only acceptable from pumpers licensed according to Section 20 of this ordinance.
4. It shall be unlawful to dispose of septic tank pumpings or other accumulated sewage at other than designated disposal sites approved by the Department.
5. Inspections of existing OSS may only be performed by licensed O&M providers and resident homeowners according to the provisions of section 16 of this ordinance.
6. O&M may only be performed by individuals properly licensed or certified under these regulations and by resident homeowners according to the provisions of section 16 of this ordinance.
7. Installers, Septic Pumpers, and O&M Providers must meet the following:
 - a. **OSS Installer.**
 - (1) It shall be unlawful for an individual to engage in the activity of installing OSS without first having been issued a Septic System Installer's License under Section 20 of this ordinance; except as allowed in Section 13 of this ordinance.
 - (2) Application for an installer's license shall be made on forms provided by the Department.
 - (3) Application fees shall be paid at the time of application.
 - (4) The Department shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.
 - (5) The applicant may take the test only twice in any 90 day period.
 - (6) Licenses are good for one year and expire as indicated by the Department.
 - (7) Fees are not prorated.
 - (8) The applicant shall apply for permit renewal on forms provided by the Department.
 - (9) The issuance of the original license and each license renewal shall require a completed application on a form furnished by the Department and payment of the prescribed fee.

- (10) An installer's license is not transferable
- (11) Any person having been issued an installer's license is required to notify the Department in writing within 30 days of any change in their business address and/or mailing address.
- (12) The actual person licensed, or an employee certified by the Department, must be on site at all times when construction of the OSS is taking place.
- (13) Employees of a licensed installer may be certified by the Department to supervise OSS construction in place of the licensed installer under the following conditions:
 - (a) The licensed installer must indicate, to the Department, each employee that is to be certified.
 - (b) Application for certification shall be made on forms provided by the Department.
 - (c) Application fees shall be paid at the time of application.
 - (d) The Department shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a certification.
 - (e) The applicant may take the test only twice in any 90 day period.
 - (f) Certifications are good for one year and expire as indicated by the Department.
 - (g) Fees are not prorated.
 - (h) The applicant shall apply for renewal on forms provided by the Department.
 - (i) The original certification and each renewal shall require a completed application on a form furnished by the Department and payment of the prescribed fee.
 - (j) A certification is not transferable between companies or individuals.
 - (k) Certified individuals must also meet the CEU requirements for licensed individuals.
- (14) Licenses shall not be issued or renewed if the applicant is found by the Department to be in violation of the provisions of this chapter.
- (15) Prior to the issuance of a Sewage System installer's License, the applicant must be in possession of a bond obtained in accordance with the Special or General Contractors Laws of the State of Washington and provide proof of business liability insurance in the minimum amount of five hundred thousand (\$500,000.00) dollars.

- (16) Every installer is required to obtain at least six (6) hours of approved classroom training time (1 CEU) every year.
 - (a) Subject matter of the continuing education must be directly related to on-site sewage disposal and be acceptable to the Department.
 - (b) Proof of attendance at the continuing education must be submitted to the Department prior to the renewal of license.
 - (c) CEU earned for one license, or certification, may be applied to another license, or certification, for the same person within the Department relating to OSS.
- (17) The Department may fine, suspend, or revoke the license of an installer if there has been a finding of incompetence, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules, and regulations.
 - (a) The installation of a sewage disposal system for which a permit has not been obtained shall be cause for suspension, fine, or revocation of an installer's license.
 - (b) An installer whose license has been revoked shall be ineligible to reapply for re-licensure until 60 days have passed from the date of revocation of the license.
 - (c) Any installer, whose license is suspended or revoked, will be required to retake the County test before their license will be reinstated.
- (18) All records pertaining to OSS must be kept, by the installer, for a period of not less than 5 years.
- (19) For proprietary products, licensed installers must show training specific to the product, and/or meet the product patent holders specifications, before being authorized by the Department as an installer for that product.

b. Septic Tank Pumpers

- (1) It shall be unlawful for any person, firm, or corporation to engage in the activity of cleaning any septic tank, seepage pit, or chemical toilet, or removing other accumulations of sewage without first having obtained a Septic Tank Pumpers License from the Department.
- (2) The original license and each renewal shall require a completed application on a form furnished by the Department and payment of the prescribed fee.
- (3) License shall not be issued or renewed if the applicant is found by the Department to be in current violation of any provisions of this chapter.
- (4) A Septic Tank Pumpers License is not transferable
- (5) Licenses are good for one year and expire as determined by the Department.
- (6) Any person having been issued a pumpers license is required to notify the department in writing within 30 days of any change in their business address and/or mailing address.

- (7) Each pumper shall submit to the Department, not later than the twentieth day of each month, a report on a form, or in a manner, provided by the Department. Said report shall contain the dates, sources, disposal site, volume, and any additional information required by the Department of each load of wastes handled from the preceding calendar month.
- (8) Pumping equipment must be presented to the Department for inspection at least yearly.
- (9) The pump tank must be of at least one thousand (1,000) gallons in capacity and must be in good repair and of cleanable construction, except where only the contents of chemical toilets are to be pumped and disposed of, where no water carrying household or commercial sewage is involved, a pump tank size of two hundred and seventy-five (275) gallons shall be allowed.
- (10) All outer contact surfaces and fittings, of pump trucks, shall be kept in a clean and sanitary condition while stored or in transit.
- (11) All premises served and equipment used shall be left in a clean and sanitary condition.
- (12) All discharge valves, on pump trucks, shall be in good repair, free from leaks and fitted with watertight caps.
- (13) The name of the operating firm shall be prominently displayed on both sides of any pump tank vehicle in bold letters not less than five (5) inches high for the firm name and not less than three (3) inches high for other information, such as address and telephone number.
- (14) Prior to the issuance of a Septic Tank Pumpers License, the applicant must be in possession of a bond obtained in accordance with the Special or General Contractors Laws of the State of Washington and provide proof of business liability insurance in the minimum amount of one hundred thousand (\$100,000.00) dollars.
- (15) The Department may fine, suspend, or revoke the license of a pumper if there has been finding of incompetence, negligence, willful misrepresentation or failure to comply with this chapter or other applicable laws, rules, and regulations.
 - (a) A septic tank pumper whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days have passed from the date of this license revocation.
 - (b) Any septic tank pumper, whose license or certification is suspended or revoked, will be required to retake the appropriate exam before their license will be reinstated.
- (16) Septage shall be discharged into an existing approved sewage treatment plant, or other approved facility, in accordance with plant operator's instructions and/or requirements.
- (17) Septage disposal sites other than approved sewage treatment plants shall be approved by the Department and shall be maintained in a satisfactory manner to preserve the health of the public and the environment.

- (18) All records pertaining to OSS must be kept, by the pumper, for a period of not less than 5 years.
- (19) The Department may determine by written examination the applicant's knowledge of public health problems involved in the removal and disposal of sewage from septic tanks and OSS. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.
- (20) The applicant may take the test only twice in any 90 day period.

c. Septic System Operation and Maintenance Provider

- (1) It shall be unlawful for anyone, other than the OSS owner, to engage in the activity of operations and maintenance of OSS without first having been issued an Operations and Maintenance License or certification from the Department.
- (2) Application for an O&M provider license shall be made on forms, or in a manner provided by the Department.
- (3) Application fees shall be paid at the time of application.
- (4) The Department shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, maintenance, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.
- (5) The applicant may take the test only twice in any 90 day period.
- (6) Licenses are good for one year and expire as determined by the Department.
- (7) Fees are not prorated.
- (8) The applicant shall apply for renewal on forms provided by the Department.
- (9) The original license and each renewal shall require a completed application on a form furnished by the Department and payment of the prescribed fee.
- (10) An O&M provider's license is not transferable.
- (11) Any person having been issued an O&M providers license is required to notify the Department in writing within 30 days of any change in their business address and/or mailing address.
- (12) Licenses shall not be issued or renewed if the applicant is found by the Department to be in violation of the provisions of this chapter.
- (13) Employees of a licensed O&M provider may be certified by the Department to perform OSS O&M inspections in place of the licensed O&M provider under the following conditions:

- (a) The licensed O&M provider must indicate, to the Department, each employee that may be certified.
 - (b) Application for certification shall be made on forms provided by the Department.
 - (c) Application fees shall be paid at the time of application.
 - (d) The Department shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, maintenance, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a certification.
 - (e) The applicant may take the test only twice in any 90 day period.
 - (f) Certifications are good for one year and expire as determined by the Department.
 - (g) Fees are not prorated.
 - (h) The applicant shall apply for renewal on forms provided by the Department.
 - (i) The original certification and each renewal shall require a completed application on a form furnished by the Department and payment of the prescribed fees.
 - (j) A certification is not transferable between companies or individuals.
 - (k) Individuals that are certified must also meet the CEU requirements of a licensed individual.
- (14) Each O&M provider shall submit to the Department, not later than the twentieth day of each month, a report on a form furnished, or in a manner provided by the Department, for each OSS inspected the previous month within Cowlitz County.
 - (15) O&M providers shall report failure of an on-site sewage system to the Department within one business day of first identifying the failure.
 - (16) O&M providers must notify the Department of the cancellation of any O&M contracts in Cowlitz County within 30 days of cancellation.
 - (17) Reports submitted must contain all relevant information required by the Department.
 - (18) Prior to the issuance of an O&M providers license, the applicant must be in possession of a bond obtained in accordance with the Special or General Contractors Laws of the State of Washington and provide proof of business liability insurance in the minimum amount of one hundred thousand (\$100,000.00) dollars.
 - (19) Every O&M provider is required to obtain at least six (6) hours of approved classroom (training) time (1 CEU) every year.

- (20) Subject matter and CEU training must be directly related to on-site sewage systems and be acceptable to the Department.
- (21) Proof of attendance must be submitted to the Department prior to renewal of license.
- (22) CEU earned by one licensee may be applied to any of his/her licenses issued by the Department relating to OSS.
- (23) For proprietary products, licensed O&M providers must show training specific to the product, and/or meet the product patent holders specifications, before being authorized by the Department as an O&M provider for that product.
- (24) The Department may fine, suspend, or revoke the license of an O&M provider if there has been finding of incompetence, negligence, willful misrepresentation or failure to comply with this chapter or other applicable laws, rules, and regulations.
 - a. An O&M provider whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days have passed from the date of this license revocation.
 - b. Any O&M provider, whose license is suspended or revoked, will be required to retake the appropriate exam before their license will be reinstated.
- (25) All records pertaining to OSS must be kept, by the O&M professional, for a period of not less than 5 years.

SECTION 21. Waiver of Regulations.

- 1. Under the authority of the local health officer, a Local Technical Review Committee shall establish guidelines regarding conditions of mitigation for which waivers of the requirements of this ordinance may be granted based on best available science and the health of the public and the environment.
- 2. For any provision of WAC 246-272A subject to waiver by the Department, the Local Technical Review Committee may also establish guidelines of mitigation for which the application may be granted.
- 3. If there is any guideline of mitigation developed by the technical Review Committee which is in conflict with a guideline presently or hereafter provided by the Department, the guideline of the Department shall be followed.
- 4. No variance shall be granted to the state code by the Department without the prior approval and written concurrence of the Washington State Department of Health, except those specifically allowed under WAC 246-272A.
- 5. Individuals may request that only Department employees review a waiver if they believe the information is proprietary and desire to keep the knowledge restricted. Such request shall be in writing.
- 6. Waiver of this ordinance shall be of two types:
 - a. Type 1 waivers are waivers granted on a recurring basis for which the site conditions are not a mitigating factor. These waivers may be used by all Designers or be specific to a certain Designer.
 - b. Type 2 waivers are site specific one time waivers.

SECTION 22. Enforcement

1. The local health officer and/or his/her designee:
 - a. Shall enforce the rules of this chapter, and
 - b. May refer cases within their jurisdiction to the county prosecutor's office.
2. When a person receives a finding, by the Department, that a violation has occurred, they may appeal this finding to the Director or Health Officer within thirty days of being notified.
3. When a person violates the provisions of this chapter, the Department, local health officer, or local prosecutor's office, may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:
 - a. Informal administrative conferences, convened at the request of the Department or owner, to explore facts and resolve problems;
 - b. Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of these rules;
 - c. Denial, suspension, modification, or revocation of permits, approvals, registrations, licenses or certifications;
 - d. Civil penalties as provided in CCC 2.06;
 - e. Legal action by the county prosecutor;
 - f. Revocation of licenses and/or permits issued under this chapter.
 - g. Orders authorized under this section include the following:
 - (1) Orders requiring corrective measures necessary to effect compliance with this chapter, which may include a compliance schedule; and
 - (2) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, licenses, and approvals required by rule or statute are obtained.

SECTION 23. Notice of decision – Adjudicative proceeding.

An appeal of a decision of the Department shall be submitted to the hearing examiner in accord with the following:

The Hearing Examiner may review any interpretation of the provisions of this chapter made by the Director and any order, requirement, decision or determination relating thereto made by him/her in the application of the specific provisions in this chapter to any OSS, its design, its maintenance, its installation, and its use. The Hearing Examiner may affirm or reverse the interpretation of the provisions of this chapter, by the Director and any order, requirement, decision or determination relating thereto.

Each appeal must be made in writing and filed with the Department within twenty-one (21) calendar days from the date on which the decision was issued:

1. A written appeal shall include a detailed description stating the reasons for the appeal. An appeal is limited to the applicant, owner of the property, installer, or designer for which an OSS is proposed or any property owner who deems himself/herself aggrieved and will thereby suffer a direct and substantial impact from the proposed OSS;
2. The Department shall provide the hearing examiner with findings and documentation relating to the application or other administrative action. The Department may prepare a separate staff report and recommendations for presentation to the hearing examiner.
3. Upon filing for an appeal with payment of the appeal fee, the Department shall set the public hearing with the hearing examiner.
4. The hearing examiner shall affirm, modify, or reverse the decision based upon the record of findings to support such a decision. The appellant carries the burden of proof on appeal. The findings shall be available to the public upon request no less than twenty calendar days following the decision. The decision of the hearing examiner shall be mailed to the applicant within fifteen days.
5. The decision of the hearing examiner shall be final unless appealed to the Superior Court in accordance with the rules of the court.

SECTION 24. Severability

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be invalid.

SECTION 25. Fees

The fees and charges under this chapter shall be as from time to time established by resolution by the local board of health.

SECTION 26. Right of Entry

Whenever necessary to make an inspection to enforce any provisions of this chapter or any regulations adopted hereunder, or to inspect any portion of the OSS, or whenever the local health officer has reasonable cause to believe there exists any condition that is or may represent a threat to the health, safety, or welfare of the general public, the Department may enter onto any property at any reasonable time to inspect and to otherwise perform their duties; provided, the Department shall first make reasonable efforts to contact the person responsible for the premises and shall present proper credentials to such person and request entry onto the premises. If entry is refused, the Department shall have recourse to every remedy provided by law to secure entry. In event of an emergency, the Department is authorized to enter the premises to inspect and to enforce this chapter without first attempting to contact the person responsible for this property.

1
2 **Effective date:**

3
4 This ordinance shall become effective 90 days after adoption or upon approval of Department of Health staff,
5 whichever happens first.

Dated this 18th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

George Raiter, Commissioner

Axel Swanson, Commissioner

Kathleen A. Johnson, Commissioner

20 ATTEST:

21
22 _____
23 Vickie Musgrove, Clerk of the Board

25 APPROVED AS TO FORM:

26
27 _____
28 Ron Marshall, Deputy Prosecuting Attorney