

CHAPTER 8.16 SAN JUAN COUNTY CODE

RULES AND REGULATIONS

OF THE SAN JUAN COUNTY BOARD OF HEALTH

REGARDING ON-SITE SEWAGE DISPOSAL

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San Juan County Health and Community Services
P.O. Box 607
Friday Harbor, WA 98250

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8.16.010 AUTHORITY

Pursuant to the authority of RCW 70.05.060 (Powers and duties of local boards of health.), these regulations are hereby established as minimum requirements of the San Juan County Board of Health governing on-site sewage systems

8.16.020 PURPOSE

The purpose of these regulations is to protect the public health by minimizing:

- A. The adverse effects to public health that inadequately treated discharges from on-site sewage systems may have on surface and ground waters, and
- B. The potential for public exposure to untreated sewage.

8.16.030 ADMINISTRATION

The Health Officer shall administer these regulations under the authority and requirements of RCW 70.05.070.

8.16.025 ADOPTION OF STATE REGULATIONS

Chapter 246-272A WAC, On-site Sewage Systems Rules and Regulations of the State Board of Health, as presently constituted and hereafter amended are hereby adopted by reference.

8.16.040 DEFINITIONS

1. “*Designer*” means a person licensed by the State Department of Licensing as an On-Site Wastewater Treatment System Designer who determines site and soil conditions, and prepares a design for a sewage disposal system appropriate to these conditions and the proposed use.
2. “*Department*” means the San Juan County Health & Community Services.
3. “*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.
4. “*Grey Water*” means sewage having the consistency and strength of residential domestic type wastewater. Grey water includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.
5. “*Health Officer*” means the duly appointed San Juan County Health Officer, or a representative authorized by and under the direct supervision of the Health Officer.
6. “*Installer*” means a qualified person approved by the Health Officer to install or repair on-site sewage systems or components.
7. “*Local Board of Health*” means the San Juan County Board of Health.
8. *May* – is discretionary, permissive, or allowed.
9. *On-site Sewage System (OSS)* – means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under the control of the user of the system, where the system is not connected to a public sewer system.
10. *Person* – means any individual, corporation, company, association, society, firm, partnership, joint stock company or any branch or state or local government.
11. “*Pumper*” means a person approved by the local Health Officer to remove and transport wastewater or septage from on-site sewage systems.
12. “*Repair*” means restoration, by reconstruction or relocation, or replacement of a failed on-site sewage system.
13. “*Reserve Area*” means an area of land approved for the installation of a conforming system and dedicated for replacement of the OSS upon its failure.
14. “*Septage*” means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.
15. “*Sewage*” means the water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with ground water infiltration that may be present.
16. “*Shall*” is mandatory
17. “*Sludge*” means the solid, semi-solid, or liquid digested material generated by a sewage treatment plant, which contains the solids that remain following the treatment of sewage.
18. “*Subdivision*” means a division of land, as defined in chapter 58.17 RCW, now or as hereafter amended, including both long and short divisions.
19. “*Wastewater System Inspector*” means a qualified person approved by the health department to inspect and to perform monitoring and maintenance functions for on-site sewage systems or components.

8.16.050 APPLICABILITY

These regulations shall apply to all on-site sewage systems except the following:

- A. New construction for which a permit was issued prior to the effective date of this chapter and is still valid. The regulations in effect at the time the permit was issued shall apply, except where portions of the new regulations are less stringent;
- B. Facilities constructed or operated in accordance with the Department of Ecology. Where these regulations maybe in conflict with chapters 90.48 or 70.95B RCW, said RCW shall govern.
- C. Large On-site Sewage Systems constructed and operated in accordance with the State Department of Health under Chapter 246-272B WAC.

8.16.060 APPROVED SEWAGE DISPOSAL REQUIRED

Places where people reside shall be provided with a means of sewage disposal approved by the Health Officer. This may include recreational sites, work and construction sites and other places where, in the opinion of the Health Officer, toilet facilities are necessary to prevent the potential spread of disease.

8.16.090 PERMITS FOR OSS UNDER 3500 GALLONS PER DAY

- A. Prior to beginning the construction process, a person proposing the installation, repair modification, connection to, or expansion of an OSS, shall develop and submit a Sewage Design Application to the Department. Permit requirements are outlined in Appendix A.

8.16.100 LOCATION

- A. Persons shall insure OSS's are designed and installed to meet the minimum horizontal separations shown in Chapter 246-272A-0210 WAC and this Chapter.
- B. The OSS shall be designed and installed at least 50 feet from a neighboring property line, except:
 - 1. Properties served by community water supply are exempted from this requirement, or
 - 2. The OSS can be located closer than 50 feet if the neighboring property owner is notified in writing by a certified letter prior to installing the system; and
 - 3. No other feasible location is available on the subject property for a similar type of system as proposed after thorough examination by the Designer and Department staff. The examination must include a review of the neighboring property to insure a well site is available; and
 - 4. The other minimum horizontal separations are maintained
- C. Where any condition indicates a greater potential for contamination or pollution, the Health Officer of the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, commercial or sport shell fisheries, shallow or saturated soils, dug wells, and improperly abandoned wells.

8.16.110 SOIL AND SITE EVALUATION

- A. All soil tests shall be performed by a civil or sanitary engineer, Designer, soil scientist, or registered sanitarian, and shall be submitted to the Department on a San Juan County Sewage Design Application, which shall be subjected to such fees as may exist at the time of filing.
- B. The owner of the property or his agent shall prepare soil logs as detailed in Appendix A.
- C. The property owner shall insure property lines are accurately identified to the Designer insuring setbacks are maintained.

8.16.120 DESIGN

- A. All designs for on-site sewage systems shall be prepared and submitted by engineers, or Designers except:
 - 1. A resident owner of an existing or proposed single-family residence may design a conventional gravity system for that residence, except adjacent to a marine shoreline, if such a system meeting all the requirements of this chapter is feasible: and
 - 2. An engineer, soil scientist or Designer has completed a soil evaluation in accordance with section 8.16. 110.
- B. All designs where an individual well is proposed shall contain a plot plan signed by the engineer or Designer and a licensed well driller showing the proposed location of the OSS and well.
- C. Designers shall ensure that all design for OSS are designed in accordance with Chapter 246-272A WAC and the standards in Appendix A.
- D. Designers shall ensure an operation and maintenance manual is made available to homeowners for alternative septic system design. The O&M manual for each system shall include, as a minimum, the information listed in the O&M chapter of each of the Washington State guidelines for alternative septic systems.

8.16.130 GREYWATER REUSE SYSTEMS

San Juan County Health and Community Services will issue Greywater reuse permits consistent with Washington State regulations.

8.16.150 INSTALLATION

- A. All sewage disposal systems shall be installed by approved installers, except that nothing herein shall prevent a resident homeowner from installing a conventional gravity system for his own residential use, except adjacent to a marine shoreline.
- B. Installers shall notify the Department prior to beginning the installation of an approved OSS design. In addition, installers shall provide notice to the Department and engineer or Designer prior to placing the final cover to allow final inspections to be conducted as outlined in Appendix A.
- C. Installers shall prepare and submit to the Department a complete and detailed "as-built" drawing on a form supplied by the Health Officer, that includes:
 - 1. For new OSS, measurements to existing site features enabling the manhole to tank, the distribution box, and drainfield laterals to be easily located, and a dimensional reserve area;
 - 2. For repaired or altered OSS, the new, repaired, or altered components with relation to the existing system.

8.16.160 OPERATION AND MAINTENANCE

- A. The OSS owner is responsible for properly operating and maintaining the OSS per design standards.
- B. The OSS owner is responsible for ensuring that the OSS is inspected by a licensed wastewater inspector according to the schedule in Table VA, except:
 - 1. The resident owner can inspect a residential gravity, pressure distribution, sand filter, mound system, and aerobic unit provided the owner has demonstrated knowledge in the system's particular O&M requirements. Demonstrated knowledge may include; 1) county sponsored training; 2) O&M courses sponsored by Northwest On-site Wastewater Training Center; or 3)

county accepted training. Verification of knowledge (e.g.: certificate, passing test score, etc...) must be included with the inspection report.

Table VA
Operation and Maintenance Inspection Intervals

Inspection Interval	System Type					
	Residential Gravity System	Residential Pressure Distribution, Mound or Sand Filter	Proprietary Treatment Device	Systems serving Restaurants, Deli's, Markets	Systems serving Transient Accommodations	Systems serving other Commercial Establishments
Quarterly	N/A	N/A	N/A	✓		
Yearly	N/A	✓	✓		✓	✓
Three Years	✓		N/A			

- D. The homeowner or person hired by the homeowner to perform the inspection service shall report fully on the status of the on-site system using the form prescribed by the director. The inspection report shall be accompanied by a fee in an amount to be established by the local board of health.
- E. The homeowner or person hired by the homeowner to perform the inspection service shall report immediately any identified on-site system failure to the department.
- F. If inspection reports are not received in accordance with the inspection interval as outlined in Table VA, the OSS owner will be subject to enforcement action including but not limited to:
 - 1. An Initial Warning Letter;
 - 2. A Notice of Violation;
 - 3. A fine of up to \$100.00 per year may be assessed by the Health Officer for failing to comply with the Notice of Violation, in addition to or as an alternative to any other judicial or administrative remedy.
- G. Verification of satisfactory inspections conducted in accordance with Table VA will be required prior to;
 - 1. Sale of the residence; or
 - 2. Obtaining a building permit.
- H. Existing OSS not equipped with maintenance components (e.g. access risers, observations ports, etc..) will be required to install the following components at time of sale of the property:
 - 1. Access risers on the septic tank and pump chamber
 - 2. Access riser on the distribution box or the location clearly marked if applicable
 - 3. Observation ports in the drainfield, sand filter and/or mound
 - 4. Clean-outs on pressure distribution laterals
 - 5. Audible and visual alarms on pumps
 - 6. Effluent filters
- I. Properties utilizing seepage pits will be required to upgrade to current design standards at time of sale or application for a building permit. If a conforming drainfield cannot be located onsite the Department

may consider allowing pretreatment to Treatment Level A with final disposal into the existing seepage pit.

8.16.170 REPAIR OF FAILURES

- A. The OSS owner shall insure failing systems are repaired in a timely fashion.
- B. Design applications for failing OSS's shall be valid for 1-year from date of issuance. Repairs not completed within 1-year shall be subject to enforcement action as outlined in the Departments Enforcement Procedures and required to pay the new system design fee per the adopted fee schedule except:
 - 1. OSS owners shall not be subject to this provision for either circumstances beyond their control (e.g. weather, lack of available contractors etc.) or if they are actively working on the repair.

8.16.200 SEPTAGE AND SLUDGE MANAGEMENT

- A. A permit from the Health Officer shall be required of any person, firm, or corporation who cleans septic tanks, privy vaults, cesspools, grease traps, seepage pits, holding tanks (including Sani-Kans®), or treatment plants, or transports over the roads or waters of the County the products of such cleans. This permit is renewable annually and is subject to a renewal fee as indicated on the adopted fee schedule in effect at the time of renewal. At the time of application for a permit, a bond running to San Juan County in the amount of \$1,000 shall be filed with the Health Officer in a manner and on a form as provided by the Health Officer. Any person or persons who may be damaged by wrongful act of the work agreed upon, shall, in addition to other legal remedies, have a right of action on such bond for damages to the extent of the bond.
- B. Persons removing septage, sludge, or sewage from an OSS or a sewage treatment plant shall:
 - 1. Transport septage, sludge, or sewage only in vehicles clearly identified with the name of the business and approved by the Health Officer;
 - 2. Record the volume of septage, sludge, or sewage removed, the location of material removed, and the location of deposition of the material, and report this data quarterly to the Health Officer. Sludge, sewage, and/or septage shall be disposed of or deposited only at a sewage treatment plant, sludge utilization site permitted by the Health Officer, or other facility as may be approved by the Health Officer.
- C. In addition to any applicable Federal and/or State laws, regulations, or guidelines as currently exist or as may be hereafter amended or established, the following requirements shall apply to any person disposing of or utilizing sludge, septage, or sewage:
 - 1. No person shall operate a sludge or septage utilization or disposal site without first having obtained a permit from the Health Officer. Such permit shall be annually renewable and shall be subject to such fee as may be in effect at the time of application or renewal. Such permit may be suspended or revoked by the Health Officer for violation of any applicable Federal or State law or regulation, this chapter, or any permit condition. All aspects of a utilization site, including all records, shall be available for inspection by the Health Officer at all times.
 - 2. The importation of sludge, septage, and/or sewage in to San Juan County from any source outside San Juan County is hereby banned
 - 3. No permit shall be issued for a new septage or sludge utilization site until such permit has been approved by the Board of Health following a public hearing.

4. The applicant shall identify any residence or business within 1/4 mile of the boundary line of any parcel being proposed as a sludge or septage utilization site, and shall notify the owner in writing of the pending application at least two weeks prior to the public hearing.
5. Any liquid sludge applied to the ground for agricultural use shall be injected into the soil, or tilled in to the soil within two hours of deposition.
6. Sludge, septage, or sewage shall be disposed of, as opposed to utilized, only at sewage treatment plants. Sludge or septage utilization sites shall not exceed agronomic application rates, per applicable rules and guidelines.
7. The plan of operation required as part of the application for permit for a sludge or septage utilization site shall include a requirement of an annual report to the Health Officer. Such report shall be submitted and found to be adequate prior to renewal of a permit, and shall include the source, date, and volume of any sludge, septage, or sewage transported to the site, the volume and date of sludge or septage applied to the site, and calculations showing the loading rates for nitrogen, the various metals required to be monitored, and such other chemical parameters as the Health Officer may feel necessary. The Health Officer may require the testing of soil samples to establish and maintain proper loading rates.
8. Any sludge or septage utilization site shall be managed by an operator licensed by the Health Officer. Such license shall be issued after satisfactory completion of a written and/or oral examination administered by the Health Officer which assures proficiency in applicable laws, regulations, and guidelines, and sufficient knowledge of chemistry, microbiology, agriculture, and public health to assure proper protection against threats to public health or the establishment of nuisance(s). This license shall be subject to annual renewal, shall be subject to such fee as may be in effect at the time of application or renewal, and may be suspended or revoked by the Health Officer for any violation of any law regulation guideline, or permit condition.
9. No storage facility for sludge, sewage, or septage shall be located in any place or in any manner which, in the opinion of the Health Officer, renders it vulnerable to inundation by or leakage to surface water resulting from a 100 year flood.
10. No sludge or septage shall be applied to any part of a sludge or septage utilization site within 200 feet of a property line between the site and adjoining ownership.
11. No sludge or septage shall be applied to the ground using a method which, in the opinion of the Health Officer, causes any significant threat of airborne transmission of pathogens, and no sludge or septage shall be applied in any other manner which, in the opinion of the Health Officer, causes any significant threat of airborne transmission of pathogens or off-site migration of any pollutants.
12. No new storage ponds or treatment facilities will be constructed within 330 feet of a property line unless approved by a Board of Health variance.

8.16.210 DEVELOPMENTS, SUBDIVISION, AND MINIMUM LAND AREA REQUIREMENTS

Prior to the approval of any subdivision or short subdivision, the applicant shall complete and file a Land Division Environmental Health Review Application with the Department for review and approval. The Health Officer may waive this requirement for any parcel proposed to connect to an approved sewer system when the system has indicated a willingness and ability to serve the proposed parcel, or for any proposed parcel upon which an OSS has been installed and approved by the Health Officer.

8.16.220 INSTALLER'S REGISTRATION

No person shall engage in the business of construction or repair of on-site septic systems without first obtaining a license to operate as a septic system installer from San Juan County Health and Community Services. Such license shall be issued annually by the San Juan County Health Officer and shall be revocable for failure to

comply with the requirements and standards set forth in these regulations. All applicants for registration as certified San Juan County Septic System installer shall pass an examination administered by the Health Officer.

8.16.240 INSTALLER'S CERTIFICATION

Certification shall be in effect for the unexpired portion of the calendar year in which certification is obtained. Certification renewal fee will be prior to February 1st of the year in which it is to be renewed. Applicants for certificate renewal shall demonstrate completion of at least one continuing education unit (CEU) in the field of on-site sewage disposal per year. In addition, the installer shall submit to the Health Officer a copy of their contractors licensed issued by the State Department of Labor and Industries. The contractors licensed shall be delivered at the time of application for examination and renewal. Installers may be licensed under their employer's contractors license. Said license will be issued to the installer and the name of the company for which the contractor license was issued. If renewal is not accomplished prior to February 1st, the certification will be considered to be expired and the initial fee will be required for reinstatement. The Health Officer may revoke or suspend an installer's certification for failure to comply fully with these regulations. Installers shall be notified of such revocation or suspension by certified mail.

8.16.290 WASTEWATER SYSTEM INSPECTOR REGISTRATION

No person shall engage in the business of conducting operation and maintenance inspections of on-site septic systems without first obtaining a license to operate as a wastewater system inspector from San Juan County Health and Community Services. Such license shall be issued annually by the San Juan County Health Officer and shall be revocable for failure to comply with the requirements and standards set forth in these regulations.

8.16.300 WASTEWATER SYSTEM INSPECTOR'S CERTIFICATION

Applicants for initial certification as a wastewater system inspector shall pass a written examination, administered by the Health Officer, and pay the initial certification fee per the adopted fee schedule. Initial certification shall be in effect only for the remainder of the calendar year in which certification is obtained. Annual certification renewals are required. Applicants for certificate renewal shall demonstrate completion of at least one continuing education unit (CEU) in the field of operation and maintenance per year and pay the renewal fee per the adopted fee schedule. The application for renewal and the appropriate fee must be submitted to the Health Officer prior to February 1st of the year in which renewal is desired. If the renewal fee is not submitted to the Health Officer prior to February 1st, the wastewater system inspector certification will be expired and the initial fee will be required for renewal. The Health Officer may revoke or suspend a wastewater system inspector's certification for failure to comply with these regulations. Wastewater system inspectors shall be notified of such revocation or suspension by certified mail.

8.16.330 ENFORCEMENT

In addition to any other penalties prescribed by law, any person who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$1000.

8.16.340 LIST OF APPENDICES

The following appendices contain standards used by the department in implementing and enforcing this code. Copies of all appendices will be kept on file at the department. Appendix A shall be modified only by the health officer.

- A. “On-site Sewage Requirements – Permit, Design and Construction Standards”
- B. Designated Sensitive Areas

8.16.350 SEVERABILITY

If any section, sentence, clause, or phrase of this chapter should be held invalid, the invalidity thereof shall not affect the validity of any other section, sentence, clause, or phrase of this chapter.

8.16.360 WAIVERS

The Health Officer may grant a waiver to the requirements of this chapter if the Health Officer determines that the waiver is consistent with the standards and intent of WAC 246-272A.

8.16.370 APPEALS

Decisions by the Health Officer made under this chapter may be appealed to the hearing examiner using the procedures set out in Chapter 8.22 SJCC.

8.16.____ DESIGNATION OF SENSITIVE AREAS

- A. Areas where OSS can pose an increased public health risk shall be designated by the local board of health as sensitive areas. These areas must be delineated through the public process where the department determines additional requirements may be necessary to reduce failures and/or minimize negative impacts of OSS upon public health.
- B. The following areas were reviewed and determination was made that OSS may pose an increased risk to public health:
 - 1. Shallow marine embayments that are used for commercial shellfish productions. The areas are (see appendix B for maps of these areas):
 - a. Westcott Bay – San Juan Island
 - b. Eastsound/Ship Bay – Orcas Island
 - c. Buck Bay – Orcas Island
 - d. Shoal Bay – Lopez Island
 - e. Mackaye Harbor – Lopez Island
 - f. Hunter Bay – Lopez Island
 - g. Mud Bay – Lopez Island
- C. All systems located within designated sensitive areas shall be inspected annually.
- D. The Department shall conduct an annual review to determine if additional sensitive area designations are warranted.