



**CLALLAM COUNTY BOARD OF HEALTH**  
AGENDA of April 15, 2025 @ 1:30 – 3:30 pm  
Clallam County Courthouse  
Board of Commissioners Meeting Room 160  
223 E. 4<sup>th</sup> Street  
Port Angeles, WA 98362

Board of Health meeting will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and join with Meeting ID: 935 7343 5754 and Passcode: 095863

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/93573435754> join with Meeting ID: 935 7343 5754 and Passcode: 095863

This meeting can be viewed on a live stream at this link: <https://clallamcountywa.gov/meetings>

Public comment and questions can be directed to the Clerk of the Board at 360-417-2276 or [nan.furford@clallamcountywa.gov](mailto:nan.furford@clallamcountywa.gov)

- Call to Order
- Roll Call
- Request for Modifications/Approval of Agenda
- Approval of Draft Meeting Minutes for March 18, 2025
- Action Items: None
- Public Comment for Agenda Items – *Please limit comments to three minutes*
- Health Officer: Infectious Disease Update
- Old Business and Information Items:
  1. Draft Interlocal Agreement for Acting Health Officer Coverage
  2. Chapter 41.20 On-Site Sewage Code Changes and Call for Public Hearing
- Discussion Items:
- Board of Health Presentations: None
- Board of Health Public Hearings: None
- Environmental Health Director
- HHS Director

- Future meeting agenda items:
  1. Vaccination Rates
  2. Air Quality and Noise Ordinance
  3. Climate Change
  4. Update on Behavioral Health Organization (BHO)
  5. Olympic Peninsula Healthy Communities Coalition
- Public Comment – *Please limit comments to three minutes*
- Adjournment

**NEXT MEETING** – May 19, 2025

**INSTRUCTIONS FOR SPEAKING AT A BOARD OF HEALTH MEETING:**

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name and place of residence.
- The Chair may limit the comment period to 3 minutes for each speaker subject to Board concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public meeting/hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

**Note:** Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board. Copies of public documents from Board meetings are available by contacting the Public Records Department.

**Members:**

Chair, Mike French; Vice-Chair, Shahida Shahrir; Dr. Gerald Stephanz; Tia Skerbeck; Paul Cunningham; Jeff Gingell; Mark Ozias and Randy Johnson

**Health and Human Services Staff:**

Dr. Allison Berry, Health Official; Kevin LoPiccolo, Director; Jenny Oppelt, Deputy Director; Jennifer Garcelon, Environmental Health Director; Nan Furford, Clerk of the Board

**DRAFT MEETING MINUTES**  
**MARCH 18, 2025**



# CLALLAM COUNTY BOARD OF HEALTH

AGENDA of March 18, 2025 @ 1:30 – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4<sup>th</sup> Street

Port Angeles, WA 98362

*Meeting was held via Zoom (Video conference)*

## REGULAR MEETING OF THE CLALLAM COUNTY BOARD OF HEALTH

**Call to Order:** The meeting was called to order at 1:30 p.m.

**Roll Call:** Members present were Chair, Mike French; Commissioner Mark Ozias; Commissioner Randy Johnson; Vice-Chair, Shahida Shahrir; Community Stakeholder, Dr. Gerald Stephanz; Lower Elwha Klallam Tribe, Tia Skerbeck; Jamestown S’Klallam Tribe, Paul Cunningham; Health Officer, Dr. Allison Berry; HHS Director, Kevin LoPiccolo; HHS Deputy Director, Jennifer Oppelt; Environmental Health Director, Jennifer Garcelon

Members absent: City Council Member Representative, Jeff Gingell

### **Request for Modifications/Approval of Agenda**

Gerald Stephanz made a motion to approve the agenda, Paul Cunningham seconded. Agenda approved.

**ACTION TAKEN:** The Board had unanimous consent to approve the agenda.

### **Approval of Draft Meeting Minutes for February 18, 2025**

Commissioner Mark Ozias made a motion to approve the meeting minutes, Gerald Stephanz seconded. Minutes approved.

### **Public Comment:**

None.

### **Health Officer – Infectious Disease Update – Dr. Berry**

Dr. Berry went over the weekly respiratory disease update report. Dr. Berry stated that the county was seeing a decrease, but did see a spike in hospitalizations in the last week. Children can get very sick, and best protection is for everyone over 6 months of age get vaccinated. Discussion followed.

We are still seeing ongoing Avian flu transmission in wild birds, and sporadic poultry and cattle outbreaks across the country. We don’t have any current poultry or cattle outbreaks in Clallam or Jefferson Counties. There have been 70 human cases in the country at this point. We have not seen any person-to-person transmission. Discussion followed.

We haven’t seen any secondary measles cases related to the Seattle case and no further transmissions in Western Washington. Unfortunately, the large outbreaks in Texas and New Mexico continue to spread. There is up to 300 cases of measles in the United States at this point. As of March, we have got more cases than of all last year. Of the cases, 75% have been school-aged children and 95% of them were unvaccinated. We have a very good vaccine for measles. Discussion followed.

### **Old Business and Information Items:**

1. On-Site Septic Code Update – Jennifer Garcelon and Janine Reed  
Reviewed code revision handouts to the On-Site Septic Code. Discussion followed.
2. HRHC Data/Update – Siri Forsman-Sims  
Siri spoke about the Harm Reduction Health Center. Discussion followed.
3. Public Health 2024 Annual Report - Madison Gallentine and Moni Madjdi  
Madison and Moni presented the Public Health 2024 annual report. Discussion followed.

**Discussion Items:**

None

**Board of Health Presentations:**

None

**Board of Health Public Hearings:**

None.

**Environmental Health Director - Jennifer Garcelon**

Jennifer Garcelon informed the BOH that the new Water Quality Specialist position has been filled. The Environmental Health Specialist I and II positions open in April. Janine Reed retires on May 23<sup>rd</sup>. Sandra is taking her Wastewater Inspector test on Friday. Discussion followed.

**HHS Director – Kevin LoPiccolo**

Jenny Oppelt noted that they are keeping up to date on the budget cuts. Kevin LoPiccolo provided an update on pursuing sites in Clallam Bay for harm reduction outreach. Discussion followed.

**Public Comment**

None.

**Adjournment**

The meeting was adjourned at 3:50 p.m.

**Next Meeting** – April 15, 2025

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025

CLALLAM COUNTY BOARD OF HEALTH

\_\_\_\_\_  
Mike French, Chair

\_\_\_\_\_  
Allison Berry, MD, MPH, Health Officer

ATTEST:

\_\_\_\_\_  
Nan Furford, Clerk of the Board

# **DRAFT INTERLOCAL AGREEMENT**

INTERLOCAL AGREEMENT FOR ACTING ("DEPUTY") HEALTH OFFICER COVERAGE BETWEEN  
CLALLAM AND JEFFERSON PUBLIC HEALTH DEPARTMENTS  
AND KITSAP PUBLIC HEALTH DISTRICT

Agreement made by and between Clallam and Jefferson Public Health Departments ("Departments") and Kitsap Public Health District ("District") pursuant to RCW 39.34.080.

WHEREAS, there may be periods when the position of Local Health Officer ("LHO") for any of the three Local Health Jurisdictions ("LHJ") is vacant or the incumbent LHO may be absent or incapacitated and unable to fulfill the responsibilities of the LHO, and it is imperative that the responsibilities of the LHO that require timely public health action be fulfilled for the LHJ during these periods; and

WHEREAS, in its sole discretion and per its guidelines and process, the Departments and Districts may agree to use the services of Designated "Deputy Health Officer" ("DHO") to serve as acting health officer for the LHJ to fulfill the responsibilities of the LHO during a vacancy or period of absence or incapacity; and

WHEREAS Kitsap Public Health Board has appointed Dr. Berry as DHO to provide occasional LHO coverage for Dr. Morrow at the District, and Clallam and Jefferson health boards have appointed Dr. Morrow to provide occasional coverage for Dr. Berry at these Departments,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

**1. Designation of Authority.**

- a. Pursuant to RCW 70.05.080, Dr. Gib Morrow, District LHO, will serve on request from Dr. Berry an authorized official for the LHJ as acting DHO for the Departments, provided that:
  - i. This Agreement has been fully executed by the Departments and the District and is in full force and effect;
  - ii. The local board of health or official responsible for appointing the LHO has appointed the Designee to serve as acting health officer for the LHJ;
  - iii. The LHJ has complied with the process for requesting LHO coverage;
  - iv. The covering DHO has approved the request for LHO coverage through mutual agreement; and
  - v. The DHO has consented to serving as acting health officer as requested.
- b. This Agreement covers any and all LHJ requests for acting health officer coverage during the term of this Agreement. For acting health officer coverage to be effective, the Department must separately approve each request in writing, including the duration of coverage, and the Designee must separately consent to each request. The local board of health or official responsible for appointing the LHO must ensure that an appointment of the Designee to serve as acting health officer is in effect with respect to each request for coverage. One appointment may apply to multiple requests.
- c. The Departments and District retains full authority and discretion to approve or deny any request for acting health officer coverage.
- d. The DHO shall have the same duties, powers, and authority as a regularly appointed LHO while serving as acting health officer and will exercise such duties, powers, and



authority in accordance with applicable law and under the direction of the local board of health or, if any, the LHJ's administrative officer.

- e. Notwithstanding anything to the contrary herein, the DHO shall have the discretion to decline to take any action that the Designee is requested or directed to take, including, but not limited to, actions that, in the DHO's judgment, can be delayed until the return of the incumbent LHO without jeopardizing the public health or do not protect or promote the public health.
  - f. The DHO's authority to serve as acting health officer will terminate when this Agreement expires or is terminated, the DHO's appointment by the local board of health or official responsible for appointing the LHO expires or is terminated, a permanent LHO is appointed in the case of a vacancy, the incumbent LHO is no longer absent or incapacitated and is able to fulfill their responsibilities, when the DHO revokes their consent, the Departments or District rescind its approval, or when the Departments' or District's specified duration of coverage expires.
2. **Indemnification/Hold Harmless/Insurance.** The LHJ shall defend, indemnify, and hold harmless the DHO and the LHJ and its officers, officials, employees, and volunteers from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the willful and wanton negligence of the Designee or the Department or its officers, officials, employees, or volunteers. The LHJ must provide liability insurance coverage for the DHO that is equivalent to the coverage provided for the LHO.
3. **Term.** The term of this Agreement shall commence on 3/11/2025 and shall remain in effect for two calendar years, unless terminated earlier per the terms of this Agreement. The parties may extend the term of this Agreement by written mutual agreement.
4. **Termination.** Either Party may terminate the agreement at their sole discretion. Termination shall be effective as provided in written notice provided by the terminating Party, though no earlier than upon receipt of written notice by mail or email, or within three days of the mailing of the notice, whichever occurs first.
5. **Extent of Agreement/Modification.** This Agreement, together with any attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.
6. **Notices.**

Notices to the LHJ shall be sent to:

The following mailing address:  
Yolanda Fong, Administrator  
345 6<sup>th</sup> Street, Suite 300  
Bremerton, WA 98337

Or the following email address: [KPHD.Administrator@kitsappublichealth.org](mailto:KPHD.Administrator@kitsappublichealth.org)



Notices to the Department shall be sent to:

The following mailing address:

Washington State Department of Health  
1610 NE 150<sup>th</sup> St  
Shoreline, WA 98155

Or the following email address:

Receipt of any notice shall be deemed effective upon actual receipt or three (3) days after deposit of written notice in the U.S. mail with proper postage and address, whichever occurs first.

7. **Property and Equipment.** Upon termination or non-renewal of this agreement, all property purchased by the LHJ in furtherance of this agreement shall remain the property of the LHJ and all property purchased by the Department in furtherance of this agreement shall remain the property of the Department. All property shall be returned to its owner upon termination or non-renewal of this Agreement.
8. **Filing.** The LHJ shall be responsible for complying with the requirements of RCW 39.34.040 with respect to this agreement.
9. **Authority to Bind Parties and Enter Into Agreement.** The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

**Kitsap Public Health District**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Signed

**Washington State Department of Health**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Signed

**SUMMARY OF PROPOSED  
CHANGES TO CHAPTER 41.20 –  
ON-SITE SEWAGE SYSTEM**

Summary of Proposed Changes to CCHR 41.20, On-Site Sewage System, 4/9/2025

| 41.20. sections                                                  | Explanation of changes made                                                                                           | Changes made see <a href="#">purple highlights</a>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>41.20.040</b><br><br><b>Definitions</b>                       | Added several definitions and changed RS&G to DS&G as reflected in WAC revision                                       | <p>Adopted by reference</p> <p>Added the following WAC definitions:</p> <ul style="list-style-type: none"> <li>• Unpermitted sewage discharge</li> <li>• Minor repair-done</li> <li>• Operating permit</li> <li>• Remediation</li> <li>• Preliminary SIR</li> <li>• WOSSA</li> <li>• Site provider</li> </ul> <p>Also added:</p> <ul style="list-style-type: none"> <li>• DS&amp;G replaces RS&amp;G (recommended Standards and Guidance)</li> <li>• Governmental Actions</li> </ul> |
| <b>41.20.060</b><br><br><b>Connection to public sewer system</b> | Clarified where to measure 200 feet from to determine if connection to sewer is required as reflected in WAC revision | (2) For All Other Areas. When adequate public sewer services are available within 200 feet of the property line of a residence or facility, the Health Officer, upon the failure of an existing on-site sewage system, shall require hook-up to the public sewer system, as measured <a href="#">either from where the existing building drain of the residence or facility structure connects to the existing building sewer, or in cases</a>                                       |

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|                                                  |                                                                                                                                                                                                                                                        | <p><u>where no building drain exists, within two hundred feet from where the sewer line begins, as measured along the usual or most feasible route of access.(WAC 246-272A-025)</u></p> <p>(3) (b) An adequate public sewer becomes available within 200 feet of the property line of residence or other facility as measured <u>either from where the existing building drain of the residence or facility structure connects to the existing building sewer, or in cases where no building drain exists, within two hundred feet from where the sewer line begins, as measured along the usual or most feasible route of access</u></p>                                                                        |
| <b>41.20.080 On-site sewage systems required</b> | Addressing the use of holding tanks as operating permits in special circumstances                                                                                                                                                                      | (4) Holding tanks proposed as emergency residential use require annual operating permits as outlined in 41.20.140                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>41.20.090 On-site sewage system permit</b>    | Added references to all applicable sections in WAC for design, O&M etc Added language to comply with WAC Revision, addressed primary and reserve area need to be 100% ( stricter than WAC) along with additional wording addressing remediation, minor | <p>(2) When applying for a permit to install an on-site sewage system, a detailed construction plan of the proposed system is required. The construction plan shall contain information as required by the Health Officer in sufficient detail and to a scale which will permit a proper evaluation of the application. Each application shall contain the information required in (added)-<u>WAC 246-272A-0200, .210, .220.232, .233, 234.238, 240, .260 .265, .270, .280, .320 and all other applicable sections of the WAC at a minimum.</u></p> <p>(3) For a failing septic system, the designer must determine the cause of failure and provide a detailed construction plan as part of a repair permit</p> |

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|  | <p>repairs, added language regarding installations without a permit as a violation subject to fines and clarified permit expiration dates.</p> | <p>(4) Minor repairs are allowed following WAC 246-272A.280 and must be completed as per WAC 246-272A. Permits are not required for minor repairs. Property owners are required to submit receipts for repairs made. A Voluntary Compliance Schedule may be required if minor repairs cannot be completed in a timely manner.</p> <p>(5) If an owner proposes using remediation to repair an existing failed septic system, the remediation must follow the Interim Department Standards and Guidance (DS&amp;G) for Remediation and will require a Remediation permit from a licensed designer/engineer. An O&amp;M contract for annual inspections is required. The fee for a Remediation permit shall be the same as the repair fee.</p> <p>11) Installing a septic system without a valid permit is a violation of this section of CCHR and shall result in enforcement actions including the issuance of fines or civil infractions as per 41.20.0270(3) Administrative penalties.</p> <p>(12) added language to clarify wet site allowances for extensions of repair.</p> <p>(b) Repair permits shall expire six months from the date of issue. They may be renewed for six to twelve additional months if the Health Officer determines it is warranted due to weather or poor soil conditions and there is no surface discharge of sewage as per this chapter.</p> |
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|                                                                  |                                                                                                                                                                                        | <p>(c) Decommissioning permits shall expire twelve (12) months from the date of issue.</p> <p>(d) Tank placement permits, except in the case of failures, shall expire 12 months from date of issue.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>41.20.100 Soil testing and site registration requirements</b> | <p>Clarified language regarding preliminary SIR and final documentation, removed “testing”</p> <p>Added reference to well siting policy to comply with WAC well siting requirement</p> | <p>(1) Soil and site evaluations, and permit applications shall conform to the requirements of WAC <a href="#">246-272A-010</a> and <a href="#">246-272A-0210 and .220</a>.</p> <p>(2) A preliminary site registration (SIR) report, with appropriate fees, shall be made on an Environmental Health Services approved form by the <a href="#">designer</a> who performs the test. The final SIR report shall be submitted to Environmental Health <a href="#">Services</a>, for review within one year of the date the soil evaluations were completed.</p> <p>(c) Site registrations performed for the purpose of land division subject to Chapter <a href="#">29.01</a> CCC must include information demonstrating that the proposed water supply is adequate and follow <a href="#">Clallam County policy 520.4 for Well site review</a>.</p> |
| <b>41.20.110 Installation</b>                                    | <p>Cleaned up reference to #2 and #3 and added language as required by WAC revision regarding homeowner installations.</p>                                                             | <p>(f) Homeowners shall not be allowed to install their own septic system in the following circumstances:</p> <p>(i) When the primary and reserve areas are within 200 feet of marine water;</p> <p>(ii) When the primary and reserve areas are within 100 feet of surface water;</p> <p>(iii) When the installation permit meets Table IX standards; or</p> <p>(iv) In cases where a waiver is required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>41.20.120</b></p> <p><b>Installation inspection</b></p>     | <p>Added language requiring installer to notify designer re: start calls</p>                                  | <p>Added (2) ...The installer is also required to notify the licensed designer per designer instructions listed on permit design documents.... Failure to notify the HO and/or the designer of starting a job is considered to be a violation of this chapter and may be subject to administrative penalties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>41.20.140</b></p> <p><b>Holding tank sewage systems</b></p> | <p>Added language regarding use of holding tanks and requirement for an operating permit for holding tank</p> | <p>(2) The Health Officer may approve installation of holding-tank sewage systems only when a conforming system (including waivers) cannot be permitted and in the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) Emergency Use which includes emergency situations, regardless of source of the sewage, either commercial or residential. Emergency situations are limited to those where an approved repair or replacement sewage system installation is delayed due to weather conditions, and/or weather-induced soil or site conditions.</li> <li>(b) Permanent Use which includes controlled, part-time, commercial usage situations, such as dry campgrounds, recreational vehicle parks, trailer dump stations, campgrounds, marinas, etc.</li> <li>(c) Repair of failing OSS, but only where no other option is feasible. The local health officer must first determine that the following options are not feasible: <ul style="list-style-type: none"> <li>(i) Installation of a conforming system or system using waivers to be conforming.</li> </ul> </li> </ul> |



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|  |  | <p>(ii) Connection to a publicly, or privately, owned large on-site sewage system; or</p> <p>(iii) Connection to a public sewer.</p> <p>(3) A person proposing to use holding tank must first obtain an operating permit from the local health officer. The operating permit must be submitted by a state licensed designer using the established design criteria per the Holding Tank DS&amp;G (created in 2024) and must include, at a minimum, all of the following:</p> <ul style="list-style-type: none"> <li>(a) A pumping, hauling, and disposal contract from a pumper licensed with Clallam County;</li> <li>(b) Disposal of sewage must be at a disposal site, or sites approved by the health officer;</li> <li>(c) Only use a holding tank reviewed and approved by the Department per Washington State Department's Registered Tank List</li> <li>(d) Submit a management program to the Health Officer assuring ongoing operation and maintenance before the Health Officer issues the installation permit</li> <li>(e) The operating permit must be renewed annually with appropriate fees.</li> <li>(f) Operational records must be kept by the owner and pumper, which include information about pumping frequency, sewage volume, disposal</li> </ul> |
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|                                   |                                                | <p>site(s), proof of acceptance by the disposal site operator, alarms, and system service and repairs;</p> <p>(g) Copies of operation records must be submitted to the health officer according to permit requirements;</p> <p>(h) An emergency response plan that addresses possible failure of a pumper to provide service, hydraulic overload of the system, sewage spill at the site; and,</p> <p>(i) Establish the right of the permitter to inspect the facility.</p> <p>(j) Sewage from the HTSS cannot be applied to the ground surface, into ground water or surface waters.</p> |
| <b>41.20.150<br/>Abandonment.</b> | Added language to reflect WAC revision changes | <p>(2) Have the septage removed by an approved pumper; and</p> <p>(3) Perform one of the following:</p> <p style="padding-left: 40px;">(a) Remove and dispose of sewage tanks and other components in a manner approved by the local health officer; or</p> <p style="padding-left: 40px;">(b) Leave the sewage tanks and components in place. Remove or destroy the lid; if possible and</p> <p>(4) Fill the void with soil or gravel;</p> <p>(5) Grade the site to the surroundings; and,</p> <p>(6) Submit the records of abandonment to the Health Officer within 30 days.</p>        |

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| <p><b>41.20.160</b></p> <p><b>Subdivision requirements</b></p> | <p>Updating table references to coincide with WAC Revision, restricting splitting of flows to avoid LOSS designation and adding reference to Well siting policy in compliance with WAC Revision new requirement.</p> | <p>1) Prior to recommendations for preliminary approval of a subdivision submitted to the Department of Community Development (DCD) and referred to Environmental Health Services, the proposal must be in compliance with WAC <a href="#">246-272A-0320</a> and WAC 26272A Table XI.</p> <p>(2) When designing a community system for a subdivision, splitting of flows may be allowed with a maximum of 2 septic systems to serve the proposed developments, with a maximum design of 3,499 gpd per system allowed. If unable to meet area requirements from WAC 246-272A and Table XI, the system must be designated as a Larger Onsite Septic System (LOSS) to be regulated by Washington State Larger Onsite (LOSS) program under WAC246-272B regulated by Washington State Department of Health.</p> <p>(3) Splitting of flows to more than 2 septic systems in order to avoid being designated as a LOSS shall not be allowed; the maximum flows allowed for subdivisions shall be capped at 2.5-unit volumes of sewage (450 gpd X 2.5) per acre.</p> <p>(4) RV park developments must have a minimum design of 120 gpd per RV spot.</p> <p>5) Prior to recommendation submitted to the DCD and referred to Environmental Health Services for final approval of a subdivision, the following must be accomplished:</p> <p>(c) Prior to final approval, a management agreement with a <a href="#">third-party entity</a> acceptable to the Health Officer for monitoring and maintenance of the community septic system must be in force</p> |
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|                                                                                                  |                                                                                                                                                           | <p>(e) Demonstrate that the proposed water supply is in compliance with applicable water rights and instream flow rules, and is determined to be adequate as required in CCC Title <a href="#">29 and is in compliance with Clallam County policy # 520.4 Well Site Review Procedures A-D.</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>41.20.170<br/>Implementation<br/>of OSS<br/>Management<br/>Plan (June 19,<br/>2007</b></p> | <p>Added language as required in WAC revision requiring owners to report failures, clarified and made additions to homeowner inspection requirements,</p> | <p>1) OSS Inspections and Maintenance.</p> <p>(a)(ii) Owners are required to report septic system failures to the local health officer</p> <p>(iv) Inspection activities are to follow the <a href="#">CCBOH System Status Inspection Policy 540.2</a> set forth by Environmental Health Services and are to be reported on forms approved by the Health Officer to EHS within 30 days of the inspection of the OSS.</p> <p>(b) Residential OSS Owner Systems Status Inspections (Do It Yourself or DIY).</p> <p>(v) DIY inspections by an owner cannot be used to meet the requirements for Governmental actions; Governmental action inspections must be performed by a third-party entity approved by the Health Officer.</p> <p>(vi) Homeowners cannot inspect systems that consist of a proprietary product where the manufacturer requires training and certification by a professional approved by the manufacturer.</p> |

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| <p><b>41.20.180</b></p> <p><b>Report of<br/>system status<br/>for land use and<br/>other<br/>governmental<br/>actions</b></p> | <p>Clarified who can do specific inspections for governmental actions and when exceptions are allowed. Added language clarifying when FSE inspections can be done by a maintenance provider</p> | <p>(2) For land use and other governmental actions, only licensed designers shall perform the septic system status inspection and submit a system status report unless waived by the Health Officer.</p> <p>(3) For Boundary Land Adjustments (BLA), all components must remain located on the original lot or an offsite drainfield easement will be required. For those properties where there are complete septic system records with the location of all components identified it shall be acceptable for a licensed maintenance provider to submit a system status report confirming the system(s) are functioning and (the system) remains within the initial lot's boundaries</p> <p>(4) For BPT, LDV or BLA applications if there are existing homes or structures on any of the proposed lots then the applicant must demonstrate all of the following:</p> <ul style="list-style-type: none"> <li>(a) The continued operation of all existing OSS does not pose a threat to public health or groundwater quality by completion of a monitoring inspection.</li> <li>(b) Verification by a septic designer that the existing system is not failed or installed in seasonal ground water may be required as determined by the Health Officer; and</li> <li>(c) There is an adequate reserve area available for all existing OSS in accordance with this chapter.</li> </ul> <p>(5) System status reports performed for FSE (food service establishment) risk category 2-4 operating permits shall be performed by licensed designers unless a maintenance contract is in place with a licensed maintenance provider (Level II)</p> |
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|  |  | <p>prior to the date of this regulation. For those FSE with risk 1 category food service it shall be acceptable for certified maintenance provider to submit a system status report as long as the system has a permit, and its components and location are already located in a record drawing.</p> <p>(6) Inspections must follow System status Inspection policy 540.2 (a) Copies of all evaluations and reports generated by the licensed designer or maintenance provider shall be provided to Environmental Health Services, with appropriate property identification, for filing with the parcel's permanent records.(Should failures or the need for repair be noted, Environmental Health Services shall be notified immediately. An inspection report or documentation of the failure shall be submitted to Environmental Health Services.</p> <p>(c) All septic system components (i.e., tanks, pump chambers, distribution boxes, drainfield, or other components) must be located, inspected, and documented in a system status record drawing with a designated reserve area from a licensed designer for the purposes of a building permit when proposing added use. Exceptions may be made to allow maintenance providers to inspect in cases where no added use is proposed and there is a complete record of all septic system components, including a designated reserve area.</p> <p>(d) Inspections conducted for the purpose of a building permit shall require the system to be in compliance with operation and maintenance design standards including risers on septic tanks and distribution boxes, monitoring ports in gravity and pressurized drainfield lines.</p> |
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|                                                                                                                                                                                                   |                                                                                                                            | (e)Cleanouts with sweeps are required on all pressure system drainfield lines to ensure proper access for maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>41.20.190</b><br><b>Report of</b><br><b>system status</b><br><b>required at time</b><br><b>of transfer of</b><br><b>ownership</b><br><b>(Property</b><br><b>Transfer</b><br><b>Inspections</b> | Clarified PTI as property transfer inspections. Added reference to what is required per WAC revision for a PTI inspection, | <b>Added: 41.20.190 Report of system status required at time of transfer of ownership (Property Transfer Inspections).</b><br><br>(1) At the time of property transfer, the property owner shall provide to the buyer all available maintenance and repair records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW and WAC 246-272A.0270.<br><br>(2) PTI's must follow inspection criteria outlined in the System Status Inspection Policy #540.2.<br><br>(4) Property owners who have a septic system under contract with a licensed Maintenance Provider and are current in system status inspections for the year are exempt from having a new property transfer inspection |
| <b>41.20.220</b><br><b>Septic tank</b><br><b>pumpers</b>                                                                                                                                          | licensing required in WAC- already addressed in CCHR- wording change                                                       | (2) Septage disposal sites must be permitted by Washington State Department of Ecology per Chapter <u>70.95</u> RCW and Chapter <u>173-308</u> WAC. It shall be unlawful to dispose of septic tank <u>septage</u> or other accumulated sewage at other than designated and approved disposal sites.<br><br>(3) Reporting Requirements. Each pumper shall maintain records of pumping including dates, sources, disposal site, and volume of each load of wastes handled. Records are to be furnished to Environmental Health Services on a monthly basis and <u>at the</u> request of the Health Officer.                                                                                                                                   |
| <b>41.20.230</b><br><b>Sewage system</b>                                                                                                                                                          | Added "site provider" category to Maintenance providers.<br><br>Added language regarding                                   | (1) Licensing. It shall be unlawful for an OSS maintenance provider to engage in OSS maintenance and monitoring activities, such as but not limited to inspection of on-site sewage systems, without first having a sewage system maintenance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p><b>maintenance providers</b></p> | <p>designers being exempt from being licensed maintenance providers but must follow provider requirements. Added language about fraudulent or erroneous inspections as a violation subject to suspension of submitting inspection reports</p> <p>licensing required in WAC- already addressed in CCHR</p> | <p>provider's license issued by the Health Officer. Designers are exempt from Maintenance Provider licensing but must follow this section of .230</p> <p>(3). Site providers (representatives of a Maintenance provider company). A licensed sewage system maintenance provider may sponsor a "site provider" to be responsible for compliance with WAC <u>246-272A-0238, .270</u>. The licensed Maintenance provider company shall inform the Health Officer of the site providers name(s) and of any changes in that individual's employment status. Site providers must have one year experience working with a licensed provider, take and pass the Maintenance Provider exam proctored by WOSSA and maintain their annual license including obtaining CEUs as specified in subsection (5) of this section</p> <p>(6) Maintenance Provider I (c) Prohibited Activities.</p> <ul style="list-style-type: none"> <li>(i) Shall not pump tank unless licensed pumper;</li> <li>(ii) Shall not uncover drainfield unless under the direction of a licensed designer;</li> <li>(iii) Shall not replace subsurface disposal component or pretreatment component.</li> </ul> <p>(7) Maintenance Provider II (c) Prohibited Activities.</p> <ul style="list-style-type: none"> <li>(i) Shall not pump tank unless licensed pumper;</li> <li>(ii) Shall not uncover drainfield unless under the direction of a licensed designer;</li> <li>(iii) Shall not replace subsurface disposal component or pretreatment component;</li> <li>(iv) Shall not replace or alter devices that monitor or regulate the</li> </ul> |
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|  |  | <p>distribution of effluent (other than distribution boxes); unless under direction and approval from either the licensed designer of record for that system or approval from Clallam County Environmental Health;</p> <p>(v) Shall not make major repairs or add components without a permit from a licensed designer.</p> <p>(8) Suspension – Revocation.</p> <p>Added the following:</p> <p>(b) Designers operating as Maintenance Providers may be prohibited from submitting inspection reports if there is a finding of incompetence, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules, and regulations.</p> <p>(d) A designer that has been suspended from performing and submitting inspection reports due to findings of incompetence, negligence, willful misrepresentation or failure to comply with this chapter may be required to obtain a Maintenance Providers license with all of the requirements of the license fulfilled prior to the department accepting inspection reports from the designer or designer company.</p> |
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| <p><b>41.20.270</b></p> <p><b>Administrative penalties</b></p> | <p>Increased fees for System Status Inspection compliance to \$10 per day not to exceed \$600 per year. To encourage compliance and discourage owners from just paying the penalty and not complying.</p> <p>Added penalty for installing septic systems without a permit.</p> | <p>(2) The monetary penalty for violations for noncompliance with required system status inspections and reporting shall be <del>\$5</del> <u>\$10</u> per day, not to exceed <del>\$300</del> <u>\$600</u> per year. The start date of the daily penalty shall be the date the required system status report is due as ordered by the Health Officer. At the discretion of the Health Officer the penalty amount assessed under this section may be reduced by no more than the lesser of sixty percent (60%) or \$360.</p> <p>(3) The monetary penalty for the violation of installing septic systems without a permit shall be \$25,000.</p> |
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# **DRAFT CHAPTER 41.20 ON-SITE SEWAGE SYSTEM**



Clallam County Board of Health  
111 E. 3<sup>rd</sup> Street  
Port Angeles, WA 98362

## Board of Health Ordinance \_\_\_\_

Amending Clallam County Code Chapter 41.20 On-Site Sewage System

### BE IT ORDAINED BY THE CLALLAM COUNTY BOARD OF HEALTH:

#### Section 41.20.040 Definitions is amended as follows:

In addition to those definitions set forth in Chapter 246-272A WAC, the following words and phrases as used in this chapter shall, unless the context clearly indicates otherwise, be defined as follows:

- (1) "Aggrieved person" means any person whose interests are, or will likely be, specifically and perceptibly harmed by a requirement, determination, or decision of the Health Officer, or designee of the Health Officer, and where a decision in favor of said person would substantially eliminate the harm caused, or likely to be caused, by the requirement, determination, order or decision.
- (2) "Approved homeowner inspection" means an OSS evaluation performed and reported by a homeowner meeting the homeowner certification and reporting requirements of this chapter.
- (3) "Board of Health" or "BOH" means the Clallam County Board of Health.
- (4) "CCC" means Clallam County Code.
- (5) "Community on-site sewage system" means any residential on-site sewage system designed to serve two or more dwelling units, or designed to serve two or more residences on separate lots, with design flows less than 3,500 gallons per day. Single-family residences with an accessory dwelling unit (ADU) on the same OSS are not included in this definition.
- (6) "Commercial on-site sewage system" means any nonresidential or combined residential/nonresidential on-site sewage system with a design flow less than 3,500 gallons per day.
- (7) "Critical aquifer recharge area" means a geographical area which contains hydrogeologic conditions that provide the recharge to an aquifer(s) that is a current or potential potable water source and, due to its geological properties, is highly susceptible to the introduction of pollutants; or, because of special circumstances, has been designated as a critical aquifer recharge area in accordance with WAC 365-190-080 and Chapter 27.12 CCC.
- (8) "Department" means the Washington State Department of Health.
- (9) "Designer" means a person who matches site and soil characteristics with appropriate on-site technology. This term applies to professionals licensed under Chapter 18.210 RCW and professional engineers licensed under Chapter 18.43 RCW.
- (10) DS&G means Department Standards and Guidance and replaces Department RS&G (Recommended Standards and Guidance).
- (1011) "Environmental Health Services" or "EHS" means the Environmental Health Section of

Clallam County Board of Health  
111 E. 3<sup>rd</sup> Street  
Port Angeles, WA 98362

the Department of Health and Human Services.

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~~(412)~~ "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 (WAC [246-272A-0010](#)). Examples include:

- (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, or collection system;
- (d) Cesspools;
- (e) Seepage pits where evidence of ground water or surface water quality degradation exists;
- (f) Inadequately treated effluent contaminating ground water or surface water;
- (g) Noncompliance with standards stipulated on the permit.

(13) Governmental Actions means the following:

- (a) Issuing building permits;
- (b) Land divisions and boundary line adjustments when an existing OSS is part of the proposal;
- (c) Conditional use permits;
- (d) Variances or compliance with the Critical Areas Code, Chapter 27.12 CCC;
- (e) Food service establishment operating permits;
- (f) Certificate of occupancy for commercial building permits;
- (g) Change in use.

~~(4214)~~ "Health Officer" means the person designated as such as defined in Chapter [70.05](#) RCW or their designee.

~~(4315)~~ "Individual on-site sewage system" means any residential on-site sewage system serving only one dwelling, lot, or residence.

~~(4416)~~ "Install" or its derivatives means the construction, relocation, alteration, extension, expansion, modification, replacement, and repair of all or any portion of an on-site sewage system, including but not limited to the septic tank, pump chamber, main and lateral lines, associated excavation, gravel and gravel-less chambers, and cover.

~~(4517)~~ "Maintenance" means the performance of noninvasive activity, both regularly scheduled and provisional, to preserve the intended function of the OSS.

~~(4618)~~ "Marine recovery area" or "MRA" means an area of definite boundaries encompassing areas bounded by marine waters and adjacent uplands where the Health Officer, or the Department in consultation with the Health Officer, determines that additional requirements for new and existing on-site sewage systems may be necessary to reduce potential failing systems or minimize negative impacts of on-site sewage systems (Chapter [70.118A](#) RCW).

(19) "Minor repair" means the repair or replacement of any of the following existing damaged or malfunctioning OSS components, except that the repair or replacement of a sewage tank, treatment component, or soil dispersal component is not considered a minor repair:

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(a) Control panels, replacing like for like;

(b) Building sewers;

(c) Any other portions of tightline in the OSS;

(d) Risers and riser lids;

(e) Sewage tank baffles;

(f) Effluent filters;

(g) Sewage tank pumps and lids;

(h) Pump control floats; or,

(i) OSS inspection boxes and ports.

(20) "Operating permit" means an annual permit required for operating specific septic systems such as holding tanks or certain specified table IX repairs as deemed necessary for the protection of public health by the Health Officer.

~~(1721)~~ "On-site sewage system" or "on-site septic system" or "OSS" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. For purposes of this chapter, the term "on-site sewage system" does not include any system regulated by a water quality discharge permit issued under Chapter 90.48 RCW.

~~(1822)~~ "On-site sewage permit" means a written permit issued by the Health Officer granting permission for the installation, repair or decommissioning of an on-site sewage system.

~~(1923)~~ "Performance monitoring" means the observation, evaluation and testing, if required, of an OSS to determine its current compliance with treatment and disposal standards in effect at the time the Division issued its permit.

~~(2023)~~ "Person" means:

(a) Applicant;

(b) Reapplicant;

(c) Permit and/or license holder; or

(d) Any individual associated with subsection (20)(a), (b), or (c) of this section including but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;



- (v) Association members;
- (vi) Agents;
- (vii) Third persons acting with the knowledge of such persons.

(24) "Remediation" means any action, approved by the Health Officer which attempts to restore the function of a previously conforming OSS dispersal component that has failed. Remediation is not considered:

- (a) A minor repair;
- (b) A repair;
- (c) An additive; or
- (d) A treatment of distribution technology that allows the OSS to meet a specific treatment level.

(2425) "Repair" means the replacement of, addition to, or alteration of a septic tank, sewage treatment device or other appurtenances to an existing on-site sewage system, including any replacement, addition, or alteration of a subsurface disposal field as a result of failure.

(2226) "Resident owner" means a person who installs and/or inspects an on-site sewage system for their personal single-family residence.

(2327) "Sewage system installer" means any person(s) engaged in the activity of installing and/or repairing an on-site sewage system.

(2428) "Sewage system installer's license" means the written license issued annually by the Health Officer authorizing a person to install on-site sewage systems.

(2529) "Sewage system maintenance provider" means a qualified person licensed to inspect, monitor, and maintain on-site sewage systems. This does not include an individual licensed by the Health Officer solely to pump septic tanks, or homeowners who are approved to monitor and maintain their own OSS.

(2630) "Sewage system maintenance provider's license" means the written license issued annually by the Health Officer authorizing a person to perform routine maintenance and monitoring activities.

(2731) "Septic tank pump" means any person(s) engaged in the activity of cleaning and pumping septic tanks, chemical toilets, or other accumulations of sewage.

(2832) "Septic tank pump's license" means the written license issued annually by the Health Officer authorizing a person to engage in the activity of cleaning septic tanks, chemical toilets, or other accumulations of sewage.

(2933) "Site installer" means an individual that maintains an annual ~~license, and license and~~ is working under the direction of another licensed installer.

(34) "Site provider" means an individual that maintains an annual license and is working under the direction of the main licensed O&M provider.

(3035) "System status inspection" means an inspection performed by a person or business authorized by the Health Officer of all components of an OSS to determine and report the system's functional condition.



~~(3436)~~ “System status report” means documentation showing the location, type, use, and conditional function of an OSS. It may also include any significant deficiencies and/or critical service items and the steps proposed and/or taken to remedy such findings.

~~(3237)~~ “Unknown system” means an on-site sewage disposal system installed without the knowledge or approval of the local health jurisdiction, including those installed before approval was required.

~~(38) “Unpermitted sewage disposal” means the discharge of sewage or treated effluent from an unknown OSS.~~

~~(3339)~~ “WDOH” means the Washington State Department of Health.

~~(40) “WOSSA” means the Washington On-Site Sewage Association.~~

**Section 41.20.050 Applicability is amended as follows:**

(1) This chapter applies to:

(a) OSS treating sewage and dispersing effluent from residential sewage sources with design flows up to 3,500 gallons per day;

(b) OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources;

(c) This chapter does not apply to industrial wastewater.

(2) A valid sewage system design approval or construction permit issued prior to the effective date of the ordinance codified in this chapter:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of three years from the date of issuance or remain valid for an additional year beyond the effective date of the ordinance codified in this chapter, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the Health Officer determines that a serious threat to public health exists.

**Section 41.20.060 Connection to public sewer system is amended as follows:**

(1) For existing and future residences or facilities that are located within the Urban Growth Area of the City of Port Angeles and east of the City limits, the requirements of Chapter 13.08 CCC, Port Angeles Eastern Urban Growth Area (EUGA) Sewer System, are hereby incorporated by reference.

(2) *For All Other Areas.* When adequate public sewer services are available within 200 feet of the property line of a residence or facility, the Health Officer, upon the failure of an existing on-site sewage system, shall require hook-up to the public sewer system, as measured either from where the existing building drain of the residence or facility structure connects to the existing building sewer, or in cases where no building drain exists, within two hundred feet from where the sewer line begins, as measured along the usual or most feasible route of access. The distance shall be measured along the usual or most feasible route of access. (WAC 246-272A-025).

(3) The owner of a residence or other facility served by a Table IX repair, as described in WAC 246-272A-0280, shall abandon the OSS according to the requirements specified in this chapter and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the Health Officer;

(b) An adequate public sewer becomes available within 200 feet of the property line of residence or other facility as measured either from where the existing building drain of the residence or facility structure connects to the existing building sewer, or in cases where no building drain exists, within two hundred feet from where the sewer line begins, as measured along the usual and most feasible route of access along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) The Health Officer is authorized to require a new development to connect to a public sewer system to protect public health.

(5) The Health Officer shall require new development or a development with a failing system to connect to a public sewer system if it is required by the Comprehensive Land Use Plan or development regulations.

**Section 41.20.080 On-site sewage system required is amended as follows:**

The following requirements apply:

(1) Every residence, place of business, or other building or place where people congregate or reside, if not connected to an approved public sewer, shall be connected to an on-site sewage system approved by the Health Officer.

(2) All new construction must be connected to an approved public sewer if said sewer is within 200 feet of the property line.

(3) All failing on-site sewage systems must be repaired or connected to an approved public sewer as noted in WAC 246-272A-0280.

(4) Holding tanks proposed as emergency residential use require annual operating permits as outlined in 41.20.140.

**Section 41.20.090 On-site sewage system permit is amended as follows:**

(1) No person shall install or cause to be installed a new on-site sewage system, nor perform any alteration, extensions or relocations, or connections to an existing on-site sewage system, including repair of failing sewage systems, without a valid permit issued by the Health Officer. Larger on-site sewage systems approved by the State are exempt from this permit requirement, except that when Environmental Health Services has a written agreement with the State to review and approve larger on-site sewage systems, a permit shall be required. Permits for alterations, expansions, or repairs shall be so identified. All systems shall be designed by a professional engineer, licensed under Chapter 18.43 RCW, or on-site sewage treatment system designer, licensed under Chapter 18.201 RCW. Designs submitted by residential owners shall not be accepted. Application for such permit shall be made in writing in a manner prescribed in subsection (2) of this section. All permit applications shall be completed and signed by the licensed professional engineer or designer prior to

permit issuance as provided by WAC 246-272A-0200. All applications for new construction shall be accompanied by an approved site registration.

(2) When applying for a permit to install an on-site sewage system, a detailed construction plan of the proposed system is required. The construction plan shall contain information as required by the Health Officer in sufficient detail and to a scale which will permit a proper evaluation of the application. Each application shall contain the information required in WAC 246-272A-0200 ~~(1)(d), 210, 220, 232, 233, 234, 238, 260, 265, 278, 280, 320, and all other applicable sections of the WAC~~ at as a minimum.

~~(3) For a failing septic system, the designer must determine the cause of failure and submit a detailed failure report as outlined in WAC 246-272A.280(1).~~

~~(4) Minor repairs are allowed following WAC 246-272A.280 and must be completed as per WAC 246-272A. Permits are not required for minor repairs. Property owners are required to submit receipts for repairs made. A Voluntary Compliance Schedule may be required if minor repairs cannot be completed in a timely manner.~~

~~(5) If an owner proposes using remediation to repair an existing failed system, the remediation must follow the Interim Department Standards and Guidance (DS&G) for Remediation. It will require a remediation permit from a licensed designer. An O&M contract for annual inspections is required. The fee for a remediation permit shall be the same as the repair fee.~~

~~(36)~~ Permits are transferable with property ownership.

~~(47)~~ If the system is not installed before the permit expires, a new permit may be applied for based on standards in effect at the date of the new application.

~~(58)~~ Changes in use of an existing OSS may be authorized by the Health Officer. If the proposed changes in use of an existing sewage system will, in the opinion of the Health Officer, substantially change the waste strength or increase the projected daily sewage flow beyond the capacity of the OSS, a permit to alter the OSS as per WAC 246-272A-0290 shall be obtained prior to authorization of the change of use.

~~(69)~~ Any misrepresentation or inaccuracy in the construction plan, whether intended or accidental, shall be considered as grounds for invalidating and voiding any permit issued under this section. The applicant is responsible for the accurate representation of all information presented.

~~(710)~~ 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 and Chapter 508-60 WAC or requiring a floodplain certification by Clallam County under the provisions of the floodplain management ordinance, CCC Title 32, the installation permit shall not be issued until a flood control zone permit or floodplain certification has been issued in accordance with Chapter 32.02 CCC. The on-site sewage permit shall be in compliance with the flood control zone permit or floodplain certification.

~~(11) Installing a septic system without a valid permit is a violation of this section of CCHR and shall result in enforcement actions including the issuance of fines or civil infractions per 41.20.0270 (3) Administrative penalties.~~

~~(812)~~ *Expiration of Permits.*

(a) Every sewage disposal permit issued by the Health Officer under the provisions of this chapter for new construction or expansion shall expire and become null and void if the work authorized

by such permit is not completed within three years from the date of issuance.

(b) Repair permits shall expire six months from the date of issue. They may be ~~renewed for~~ allowed a one-time extension up to six additional months if the Health Officer determines it is warranted due to weather or poor soil conditions and there is no surface discharge of sewage as per this chapter.

(c) Decommissioning permits shall expire ~~six-twelve (12)~~ months from the date of issue.

(d) Tank placement permits, except in the case of failures, shall expire twelve months from date of issue.

**Section 41.20.100 Soil testing and site registration requirements is amended as follows:**

(1) Soil testing, site evaluations, and permit applications shall conform to the requirements of WAC ~~246-272A-010 and 246-272A-02120 and .0220.~~

(2) A preliminary site registration (SIR) report shall be made on an Environmental Health Services approved form by the ~~individual designer~~ who performs the test with appropriate fees. The final SIR report shall be submitted to Environmental Health ~~Services, with appropriate fee, for Services~~ for review within one year of the date the tests were completed.

(a) The site registration report shall consist of an accurate plot plan, drawn to scale (one inch equals 20 feet is recommended), which includes all the pertinent information required in WAC ~~246-272A-0200~~ and other information as required by the Health Officer.

(b) Unless specifically waived by the Health Officer, all soil logs for the purpose of securing a sewage system permit ~~must be~~ witnessed and verified by the local Health Officer.

(c) Site registrations performed for the purpose of land division subject to Chapter ~~29.01~~ CCC must include information demonstrating that the proposed water supply is adequate and follow Clallam County Policy 520.4 Well Site Review.

**Section 41.20.110 Installation is amended as follows:**

(1) The Health Officer shall require approved installers to construct OSS, except as noted under subsection (2 and 3) of this section. Licensed installers shall meet all requirements of this chapter and install systems as per WAC ~~246-272A-210.~~

(2) The Health Officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install a conventional gravity-type OSS for that single-family residence if they meet all the following:

(a) May install no more than one system in any one calendar year.

(b) The OSS installer owns or has a beneficial interest as a contract purchaser of the land on which the OSS is to be installed.

(c) The OSS is either located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed as an encumbrance.

(d) The OSS installer will reside in or use the building served by the OSS.



(c) The Health Officer may require written examination of resident owners when considering applications for self-installation.

(f) Homeowners shall not be allowed to install their own septic system in the following circumstances:

(i) When the primary and reserve areas are within 200 feet of marine water;

(ii) When the primary and reserve areas are within 100 feet of surface water;

(iii) When the installation permit meet Table IX standards; or

(iv) In cases where a waiver is required.

(3) Persons engaged in the business of buying, selling, and constructing homes or land shall not qualify.

(4) All persons employed to construct, install, or alter a sewage disposal system shall be employees of a licensed installer.

(5) The installer described by either subsection (1) or (2) of this section shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Make no changes to the approved design without the prior authorization of the licensed designer and the Health Officer;

(d) Only install septic tanks, pump chambers, and holding tanks approved by the WDOH;

(e) Be on the site at all times during the excavation and construction of the OSS;

(f) Install the OSS to be watertight, except for the soil dispersal component;

(g) Cover the installation only after the Health Officer has given approval to cover; and

(h) Backfill with six to 24 inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

**Section 41.20.120 Installation inspection is amended as follows:**

(1) The Health Officer may make inspections during construction to determine compliance with this chapter.

(2) Prior to the installation of any on-site sewage system, the Health Officer shall be notified by the installer of the permit number, site location, date, and time that the work is to be performed and shall request an inspection. The installer is also required to notify the licensed designer of starting an installation per designer instructions listed on permit design documents. The system may not be covered prior to this inspection except as noted in subsection (3) of this section. The licensed designer shall submit a record drawing according to the requirements in WAC 246-272A-0265 of the final construction within 10 days of final cover of the system. The record drawing shall be on a form approved by the Health Officer. Failure to notify the HO and/or the licensed designer of starting a job is considered to be a violation of this chapter and may be subject to administrative penalties.

(3) No part of any on-site sewage system installation shall be covered or put into use until

inspection and final approval have been obtained from the Health Officer. The Health Officer may waive this inspection requirement provided the installation has been performed by a licensed installer as per this chapter and WAC 246-272A-0260; provided, that the licensed designer of the on-site sewage system, as certified under Chapter 18.210 RCW, performs the inspection; except as noted in subsection (4) of this section. Requests for waiver from inspection should be submitted to the Health Officer prior to covering of the system. Final approval of on-site systems by the Health Officer can be made only after satisfactory inspection of the installed system, and receipt of record drawings of the final construction, and all appropriate fees received by Environmental Health Services.

(4) A final inspection shall not be acceptable from a licensed designer if the installation firm has financial ties with the licensed designer of the system. In such cases, Environmental Health Services must perform the final inspection of the installation.

(5) Any on-site sewage system installed, covered, or put into use without proper notification of or inspection by the Health Officer, except as provided for in subsection (3) of this section, shall be uncovered for inspection if so ordered by the Health Officer. The decision of the Health Officer not to require uncovering for inspection shall not be construed as approval of the installation of the on-site sewage system.

(6) If installation or workmanship of the on-site sewage system does not meet the requirements of this chapter, the Health Officer shall order corrections and cause a subsequent inspection to be made. Fees may be charged for subsequent inspections.

(7) *Designer Inspections.* Nothing contained herein shall prohibit the licensed designer of record from requiring additional designer-performed inspections to ensure compliance with design and regulation.

**Section 41.20.140 Holding tank sewage system is amended as follows:**

(1) Persons shall not install or use holding-tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The Health Officer may approve installation of holding-tank sewage systems only when a conforming system (including waivers) cannot be permitted and in the following circumstances:

(a) Emergency Use which includes emergency situations, regardless of source of the sewage, either commercial or residential. Emergency situations are limited to those where and approved repair or replacement sewage system installation is delayed due to weather conditions and/or weather-induced soil or site conditions; or

(b) Permanent Use which includes controlled, part-time usage situations, such as coffee stands, recreational vehicle parks, trailer dump stations, campgrounds, marinas, etc.; or

(c) Repair of failing OSS, but only where no other option is feasible. The Health Officer must first determine whether the following options are not feasible:

(i) Installation of conforming system or system using waivers to be conforming;

(ii) Connection to a publicly or privately owned large on-site sewage system;

(iii) Connection to a public sewer.

~~(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;~~

~~\_\_\_\_\_ (b) For interim uses limited to handling of emergency situations;~~

~~\_\_\_\_\_ (c) For repairs as permitted under WAC 246-272A-0280(1)(c)(i);~~

~~(3) A person proposing to use a holding tank must first obtain an operating permit from the local health officer. The operating permit must be submitted by a licensed designer using the established design criteria per the Department Holding Tank DS&G (created in 2024) and must include at a minimum, all of the following:~~

~~\_\_\_\_\_ (a) A pumping, hauling, and disposal contract from a pumper licensed by Clallam County;~~

~~\_\_\_\_\_ (b) Disposal of sewage must be at a disposal site, or sites approved by the health officer;~~

~~\_\_\_\_\_ (c) Only use holding tank reviewed and approved by the Department per the Washington State Department's Registered Tank List;~~

~~\_\_\_\_\_ (d) Submit a management program to the Health Officer assuring ongoing operation and maintenance before the Health Officer issues the installation permit;~~

~~\_\_\_\_\_ (e) The operating permit must be renewed annually with appropriate fees;~~

~~\_\_\_\_\_ (f) Operational records must be kept by the owner and pumper which include information about pumping frequency, sewage volume, disposal site(s), proof of acceptance by the disposal site operator, alarms, and system service and repairs;~~

~~\_\_\_\_\_ (g) Copies of operation records must be submitted to the Health Officer according to permit requirements;~~

~~\_\_\_\_\_ (h) An emergency response plan that addresses possible failure of a pumper to provide service, hydraulic overload of the system, and sewage spill at the site;~~

~~\_\_\_\_\_ (i) Establish the right of the Health Officer to inspect the facility; and,~~

~~\_\_\_\_\_ (j) Sewage from the HTSS cannot be applied to the ground surface, into ground water or surface waters.~~

~~(3) A person proposing to use a holding tank sewage system shall:~~

~~\_\_\_\_\_ (a) Follow established design criteria established by WDOH;~~

~~\_\_\_\_\_ (b) Submit a management program to the Health Officer assuring ongoing operation and maintenance before the Health Officer issues the installation permit; and~~

~~\_\_\_\_\_ (c) Use a holding tank reviewed and approved by the Department.~~

**Section 41.20.150 Abandonment is amended as follows:**

Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container from service shall:

(1) Obtain a septic system decommissioning permit issued by the Health Officer;

~~(2) Have the septage removed by a licensed pumper;~~



(3) Perform one of the following:

(a) Remove and dispose of sewage tanks and other components in a manner approved by the health officer; or,

(b) Leave the sewage tanks and components in place. Remove or destroy the lid, if possible.

(4) Fill the void with soil or gravel;

(5) Grade the site to grade; and,

(5) Submit the records of abandonment to the Health Officer within 30 days.

~~(2) Have the septage removed by an approved pumper;~~

~~(3) Remove or destroy the lid;~~

~~(4) Fill the void with soil or gravel;~~

~~(5) Submit the records of abandonment to the Health Officer within 30 days.~~

**Section 41.20.160 Subdivision requirements is amended as follows:**

(1) Prior to recommendations for preliminary approval of a subdivision submitted to the Department of Community Development (DCD) and referred to Environmental Health Services, the proposal must be in compliance with WAC 246-272A-0320 and WAC 246-272A Table XI.

(2) When designing a community system for a subdivision, splitting flows may be allowed with a maximum of 2 septic systems to serve the proposed developments with a maximum of 3,499 gpd per system allowed. If unable to meet area requirements from WAC 246-272A and Table XI, the system must be designed as a Large Onsite Sewage System (LOSS) per WAC 246-272B regulated by Washington State Department of Health.

(3) Splitting of flows to more than 2 septic systems in order to avoid the LOSS designation shall not be allowed; the maximum flows for subdivision shall be capped at 2.5-unit volumes of sewage (450 gpd X 2.5) per acre.

(4) Recreational vehicle park, tiny home, yurt developments must have a minimum design of 120 gpd per designated spot.

(25) Prior to recommendation submitted to the DCD and referred to Environmental Health Services for final approval of a subdivision, the following must be accomplished:

(a) A site registration approved by the Health Officer and filed for each proposed parcel showing an area for each parcel suitable for installation of an on-site sewage system to serve a minimum of a two-bedroom residence, in compliance with these regulations; or

(b) For a community sewage disposal system or larger on-site system, compliance with Chapter 246-272B WAC and CCC Title 29 must be assured;

(c) Prior to final approval, a management agreement acceptable to the Health Officer for monitoring and maintenance of the community septic system must be in force;

(d) Any on-site system not located entirely on the property ~~originating the sewage~~ must be secured by appropriate easements filed with the Clallam County Auditor;



(e) Demonstrate that the proposed water supply is in compliance with applicable water rights and instream flow rules and is determined to be adequate as required in CCC Title 29 and with Clallam County Board of Health (CCBOH) Policy 520.4 Well Site Review procedures A-D.

**Section 41.20.170 Implementation of OSS Management Plan is amended as follows:**

(1) *OSS Inspections and Maintenance.*

(a) *General Conditions.*

(i) The OSS owner will ensure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with Chapter 246-272A WAC, these regulations, and any OSS permits:

(A) At least once every three years for all systems consisting solely of a septic tank and gravity subsurface absorption system (SSAS);

(B) Annually for all other systems unless more frequent inspections are specified by the local Health Officer.

(ii) Owners are required to report septic system failures to the local health officer.

~~-(iii)~~ OSS owners will assure that needed maintenance service or repairs to the OSS are accomplished in a timely manner.

~~-(iii)~~ Inspection activities are to follow the protocol-CCBOH System Status Inspection Policy 540.2 set forth by Environmental Health Services and are to be reported on forms approved by the Health Officer to EHS within 30 days of the inspection of the OSS.

(b) *Residential OSS Owner Systems Status Inspections (Do-It-Yourself for DIY)-*

This section pertains to OSS owners who perform their own inspections.

(i) Owner inspections are limited to residential OSS of no more than two connections served by one OSS on the same lot:-

(ii) OSS owners who perform their own inspections must first receive approval to inspect their own residential septic system from the Health Officer. Approval may consist of proof of completing a Health Officer approved training course appropriate for the level of complexity of the OSS the owner is to inspect and maintain, including obtaining a passing score on a test:-

(iii) Homeowners are responsible for reporting their inspection activities in compliance with this section:-

(iv) Where there are no records regarding the type, size, location and other applicable information on a septic system, the OSS owner must have the first system status inspection performed by a professional maintenance provider or licensed designer:-

(v) DIY inspections by an owner cannot be used to meet the requirements for governmental actions: governmental action inspections must be performed by a third-party entity approved by the Health Officer:

(vi) Homeowners cannot inspect systems that consist of a proprietary product where the manufacturer requires training and certification by a professional approved by the manufacturer.

(c) *Sewage System Maintenance Provider System Status Inspections.*

(i) Licensed designers or sewage system maintenance providers performing OSS system status inspections shall meet the requirements of this section. OSS maintenance providers shall also meet the requirements of CCC [41.20.200](#) and [41.20.230](#) (licensing).

(d) *Community and Commercial OSS Systems.*

(i) Community and commercial OSS shall follow the requirements in subsection [\(1\)\(a\)](#) of this section (General Conditions) except where noted below:-

(ii) All food service establishments served by OSS must meet the requirements of WAC [246-272A-0275](#) and CCC [41.20.180\(2\)](#):-

(iii) All system status inspections are to be performed by a licensed sewage system maintenance provider or licensed designer:-

(iv) All community gravity OSS with greater than two connections shall be evaluated annually:-

(v) Relief from subsection [\(1\)\(d\)\(iii\)](#) of this section may be granted by the Health Officer provided the owner can demonstrate:

(A) The owner receives Health Officer approved training including obtaining a passing score on a test if required. The training must be appropriate for the level of complexity of the OSS the owner is to inspect and maintain:-

(B) The OSS effluent characteristics are comparable to typical single-family residential volumes and strength.

(2) *Marine Recovery Area (MRA).*

(a) The legal boundaries of the marine recovery area shall be the same area described in Chapter [27.16](#) CCC, Sequim Bay-Dungeness Watershed Clean Water District, and include the following areas: the Dungeness watershed and those waters influenced by it through the irrigation system and other independent tributaries to the Strait of Juan de Fuca from Bagley Creek east to and including the Sequim Bay watershed. This encompasses the Dungeness and Gray Wolf Rivers, the creeks of Bagley, McDonald, Matriotti, Meadowbrook, Cooper, Cassalery, Gierin, Bell, Johnson, Dean, Jimmycomelately, Chicken Coop, and their tributaries.

(b) The MRA boundary shall also include the Miller Peninsula and Discovery Bay watershed inside Clallam County including those portions of the Miller Peninsula and the Eagle Creek watershed that are not currently included in the Sequim Bay-Dungeness Watershed Clean Water District. The boundaries are outlined in "Exhibit A" (as amended to include Miller Peninsula), attached to the ordinance codified in this chapter and incorporated by reference.

(c) All OSS owners within the marine recovery area shall have a system status inspection performed on their OSS by a licensed designer or a sewage system maintenance provider as described in this chapter as the first system status inspection required under the OSS Management Plan.

(d) After the initial professional inspection, owners of residential-type OSS who meet the requirements of this chapter may inspect their own OSS system, provided the initial professional inspection was conducted within the three years prior to the homeowner inspection.

(e) OSS owners who perform their own OSS system status inspection and maintenance

providers are required to submit a system status report per this chapter.

(3) Environmental Health Services' implementation of the OSS Management Plan shall be supported by an annual operation and maintenance (O&M) fee applied to each on-site wastewater disposal system.

(a) The amount of the O&M fee shall be set by the Board of Health on the Environmental Health Services fee schedule in Chapter [41.50](#) CCC and collected annually through the property tax collection system in accordance with RCW [70.05.190](#).

(b) Any revenues generated by the O&M fee shall be used solely for the purpose of implementing the OSS Management Plan.

(c) Those claiming exemption from the O&M fee shall demonstrate to the satisfaction of the Health Officer (or designee) absence of an on-site wastewater disposal system.

(i) Such demonstration shall take the form of a receipt for connection to a permitted sanitary sewer system, a bill for permitted sanitary sewer service, an invoice for OSS decommission, a site visit with Environmental Health Services staff to confirm absence of a water supply/any sources of wastewater, or similar documentation approved by the Health Officer or designee.

(ii) Request for exemption from the O&M fee shall be made before September 30th of the year prior to that in which the exemption would take effect.

(d) Ten years from the passage of the ordinance codified in this section, the Board of Health will conduct a complete review of this program and its results. The expected objectives are outlined on pages 5 and 6 of the On-Site Septic System Operations and Program Manual, found in the Environmental Health Department. These objectives may be periodically updated based on new information. A vote to continue/discontinue the program and fee must then be affirmed by the Board of Health.

(4) Any subsequent adoption of updates to the OSS Management Plan shall be considered to have been incorporated into this chapter without the need for further amendment.

**Section 41.20.180 Report of system status for land use and other governmental actions is amended as follows:**

- (1) A system status report may be requested by the Health Officer for the following purposes:
  - (a) Issuing building permits;
  - (b) Land divisions and boundary line adjustments when an existing OSS is part of the proposal;
  - (c) Conditional use permits;
  - (d) Variances or compliance with the Critical Areas Code, Chapter [27.12](#) CCC;
  - (e) Food service establishment operating permits;
  - (f) Certificate of occupancy for commercial building permits;
  - (g) Change of use;
  - (h) Other actions as deemed appropriate by the Health Officer.



(2) For land use and other governmental actions, only licensed designers ~~or the Health Officer~~ shall perform the septic system operational status inspection evaluation and submit a system status report unless waived by the Health Officer. System status reports performed for food service establishment operating permits shall be performed by licensed designers unless a maintenance contract is in place with a licensed maintenance provider (Level II) prior to the date of this regulation.

~~\_\_\_\_\_ (a) Copies of all evaluations and reports generated by the licensed designer or maintenance provider shall be provided to Environmental Health Services, with appropriate property identification, for filing with the parcel's permanent records.~~

~~\_\_\_\_\_ (b) Should failures or the need for repair be noted, Environmental Health Services shall be notified immediately. An inspection report or documentation of the failure shall be submitted to Environmental Health Services.~~

~~\_\_\_\_\_ (c) All septic system components (i.e., tanks, pump chambers, distribution boxes, drainfield, or other components) must be located, inspected, and documented in a system status record drawing.~~

~~\_\_\_\_\_ (d) Inspections conducted for the purpose of a building permit shall require the system to be in compliance with operation and maintenance design standards including risers on septic tanks and distribution boxes, and cleanouts on pressure system drainlines.~~

(3) For Boundary Line Adjustments (BLA) all components must remain located on the original lot or an offsite drainfield easement will be required. For those properties where there are complete septic system records with the location of all components identified it shall be acceptable for a licensed maintenance provider to submit a system status report confirming the system(s) are functioning and the system remains within the initial lot's boundaries.

(4) For Building Permits (BPT), Land Divisions (LDV), or BLA applications, if there are existing homes or structures on any of the proposed lots then the applicant must demonstrate all of the following:

\_\_\_\_\_ (a) The continued operation of all existing OSS does not pose a threat to public health or groundwater quality by completion of a monitoring inspection;

\_\_\_\_\_ (b) Verification by a septic designer that the existing system is not failed or installed in seasonal groundwater; and

\_\_\_\_\_ (c) There is an adequate reserve area for all existing OSS in accordance with this chapter.

(5) System status reports performed for food service establishment (FSE) operating permits shall be performed by licensed designers unless a maintenance contract is in place with a licensed maintenance provider (Level II) prior to the date of this regulation. For FSE with low risk it shall be acceptable for a certified maintenance provider to submit a system status report as long as the system has an OSS permit, and its components and location are already located in a record drawing.

(6) Inspections must follow CCBOH System Status Inspection Policy 540.2.

\_\_\_\_\_ (a) Copies of all evaluations and reports generated by the licensed designer or maintenance provider shall be provided to Environmental Health Services with appropriate property identification for filing with the parcel's permanent records

\_\_\_\_\_ (b) Should failures or the need for repair be noted, Environmental Health Services shall be notified immediately. An inspection report or documentation of the failure shall be submitted to Environmental Health Services.

(c) All septic system components (i.e., tanks, pump chambers, distribution boxes, drainfield, or other components) must be located, inspected and documented in a system status record drawing with a designated reserve area from a licensed designer for the purposes of a building permit when proposing added use. Exceptions may be made to allow maintenance providers to inspect where no added use is proposed and there is a complete record of all septic system components, including a designated reserve area.

(d) Inspections conducted for the purpose of a building permit shall require the system to be in compliance with operation and maintenance design standards including risers on septic tanks and distribution boxes, monitoring ports in gravity and pressurized drainfield lines.

(e) Cleanouts with sweeps are required on all pressure system drainfield lines to ensure proper access for maintenance.

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**Section 41.20.190 Report of system status required at time of transfer of ownership is amended as follows:**

(1) At the time of property transfer, the property owner shall provide to the buyer all available maintenance and repair records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW and WAC 246-272A.0270, a copy of the current system status report performed within 12 months of the property transfer by a licensed designer or licensed OSS maintenance provider.

(2) Property Transfer Inspections (PTI) must follow inspection criteria outlined in CCBOH System Status Inspection Policy 540.2.

~~(23)~~ The property owner shall ensure that a current report of system status is on file with Environmental Health Services when the property changes ownership.

(4) Property owners with a septic system under contract with a licensed maintenance provider and are current in the system status inspections for the year are exempt from having a new property transfer inspection.

**Section 41.20.220 Septic tank pumpers is amended as follows:**

(1) *Licensing.* 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 obtaining a septic tank pumper's license from the Health Officer.

(a) The original license and each renewal shall require a completed application on a form furnished by the Health Officer and payment of the prescribed fee.

(b) License shall not be issued or renewed if the applicant is found by the Health Officer to be in current violation of the provisions of this chapter.

(c) The license shall expire on December 31st. Fees are not prorated.

(2) Septage disposal sites must be permitted by Washington State Department of Ecology per Chapter 70.95 RCW and Chapter 173-308 WAC. It shall be unlawful to dispose of septic tank pumpings-septage or other accumulated sewage at other than designated and approved disposal sites.

(3) *Reporting Requirements.* Each pumper shall maintain records of pumping including dates, sources, disposal site, and volume of each load of wastes handled. Records are to be furnished to Environmental Health Services on a monthly basis and upon at the request of the Health Officer.

(4) *Pump Tank Vehicle Requirements.* Pumping equipment must be presented to Environmental Health Services for inspection at the time of license application and renewal.

(a) The pump tank must be ~~of~~ at least 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 275 gallons shall be allowed.

(b) All outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit; all premises served, and equipment used shall be left in a clean and sanitary condition.

(c) All discharge valves shall be in good repair, free from leaks, and fitted with watertight



caps.

(d) 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 inches high for the firm name and not less than three inches high for other information, such as address and telephone number.

(5) *Bond Required.* Prior to the issuance of a septic tank pumper's license, the applicant must post a bond with the Environmental Health Services, executed by a surety company authorized to do business in the State of Washington, in the sum of \$4,000 and must provide proof of a minimum of \$100,000 business liability insurance.

(6) *Suspension – Revocation.* The Health Officer may suspend or revoke any pumper's license 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 pumper whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days have passed from the date of license revocation.

**Section 41.20.230 Sewage system maintenance providers is amended as follows:**

(1) *Licensing.* It shall be unlawful for an OSS maintenance provider to engage in OSS maintenance and monitoring activities, such as but not limited to inspection of on-site sewage systems, without first having a sewage system maintenance provider's license issued by the Health Officer. Designers are exempt from Maintenance Provider licensing but must follow this section of .230.

(a) Applicants must:

(i) For Maintenance Provider Specialist I, have six months' experience in operations and maintenance, designing, installing, or pumping on-site septic systems or equivalent as determined by the Health Officer.

(ii) For Maintenance Provider Specialist II, have 12 months' experience as a Maintenance Provider Specialist I or licensed OSS designer.

(iii) Complete an application for a Maintenance Provider Specialist I or II and pay the fee established by the BOH.

(iv) Pass the applicable Health Officer approved examination(s).

(A) Persons attempting, but failing to pass, the test may retake it after 30 days.

(B) After two consecutive failures, they must wait one year before reapplying.

(2) The Maintenance Provider Specialist I and II licenses shall expire on December 31st. Fees are not prorated.

(a) The original license and each renewal shall require a completed application on a form furnished by the Health Officer and payment of the prescribed fee.

(b) Licenses shall not be issued or renewed if the applicant is found by the Health Officer to be in violation of the provisions of this chapter.

(3) Site providers (representatives of a Maintenance Provider Company). A licensed sewage system maintenance provider may sponsor a "site provider" to be responsible for compliance with WAC 246-272A-0238 and .270. The licensed maintenance provider company shall inform the Health

officer of the provider's name(s) and of any changes to that individual's employment status. Site providers must have one years' experience working with a licensed provider, take and pass the Maintenance Provider Exam proctored by WOSSA, and maintain their annual license, including obtaining CEUs as specified in subsection (5) of this section.

(34) *Bond Required.* Prior to the issuance of a sewage system Maintenance Provider Specialist I and II license, the applicant must be in possession of a bond in the amount of \$4,000 for Maintenance Provider Specialist I, and \$6,000 for Maintenance Provider Specialist II, 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 \$100,000 for Maintenance Provider Specialist I and \$500,000 for Maintenance Provider Specialist II, except Maintenance Provider Specialists working for or under the direction of a general contractor who is also a licensed Maintenance Provider Specialist I and II may have this requirement waived if the general contractor provides a written statement indicating their assumption of responsibility for the individual's work and agreement to coverage of the individual by the general contractor's bond and liability insurance.

(45) *Continuing Education.* Unless waived by the Health Officer, all Maintenance Provider Specialists I and II are required to obtain at least eight hours of approved training time (0.8 CEU) every two years. Subject matter must be directly related to on-site sewage disposal and operations and maintenance activities and be acceptable to the Health Officer. Proof of training shall be submitted annually with application for renewal of license.

(56) *Maintenance Provider Specialist I.*

(a) *Scope of Work.* Maintenance Provider Specialist I is limited to performing operations, monitoring, and maintenance activities to conventional, gravity feed system only.

(b) *Allowed Activities.*

- (i) Determine need for pumping;
- (ii) Checking liquid levels;
- (iii) Repairing tanks/baffles;
- (iv) Accessing effluent distribution box to assess equal distribution;
- (v) Repairing tight-line;
- (vi) Installing risers over tanks and d-box; installing monitoring ports in drainfields.

(c) *Prohibited Activities.*

- (i) ~~Pumping Shall not pump~~ tank unless licensed pumper;
- (ii) ~~Uncovering Shall not uncover~~ drainfield unless under the direction of a licensed designer;
- (iii) ~~Replacing Shall not replace~~ subsurface disposal component or pretreatment component.

(67) *Maintenance Provider Specialist II.*

(a) *Scope of Work.* Maintenance Provider Specialist II may perform operations, monitoring, and maintenance activities on conventional and alternative on-site septic systems.

(b) *Allowed Activities.* Except as specifically stated otherwise, the Maintenance Provider

Specialist II may perform any duty associated with the operation and maintenance of an OSS required in the regulations. Maintenance Provider Specialist II must obtain written approval from the manufacturer or patent holder to work on proprietary devices.

(c) *Prohibited Activities.*

- (i) ~~Pumping-Shall not pump~~ tank unless licensed pumper;
- (ii) ~~Uncovering-Shall not uncover~~ drainfield unless under the direction of a licensed designer;
- (iii) ~~Replacing-Shall not replace~~ subsurface disposal component or pretreatment component;
- (iv) ~~Replacing-Shall not replace~~ or ~~altering~~ devices that monitor or regulate the distribution of effluent (other than distribution boxes); unless under direction and approval from either the licensed designer of record for that system or approval from Clallam County Environmental Health;
- (v) ~~Shall not Mmake~~ major repairs or add components without a permit from a licensed designer.

(78) *Suspension – Revocation.*

(a) The Health Officer may suspend or revoke any sewage system maintenance provider license if there is a finding of incompetence, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules, and regulations. Not reporting OSS maintenance and monitoring activities as required by the Health Officer shall be cause for suspension or revocation of a sewage system maintenance provider license.

(b) Designers operating as Maintenance Providers may be prohibited from submitting inspection reports if there is a finding of incompetence, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules, and regulations.

(bc) An OSS maintenance provider whose license has been revoked shall be ineligible to reapply for relicensing until 60 days have passed from the date of revocation of the license.

(d) A designer who has been suspended from performing and submitting inspection reports due to findings of incompetence, negligence, willful misrepresentation or failure to comply with this chapter may be required to obtain a Maintenance Providers license with all of the requirements of the license fulfilled prior to CCEH accepting inspection reports from the designer or design company.

**Section 41.20.260 Civil infractions and other penalties is amended as follows:**

(1) Civil infractions and other penalties shall be imposed pursuant to Chapters 7.80 and 70.118 RCW, including Chapter 70.118A RCW, Chapter 246-272A WAC, these regulations, and the Department's procedures for resolving violations and notices of infractions. Adjudication of and appeals to such citations shall be in the Clallam County District Court.

(a) Violations of this regulation shall be a Class 1 civil infraction with a maximum penalty of \$250 except for an infraction of CCC 41.20.170, which shall be a Class 2 civil infraction with a maximum penalty of \$125.~~(600?)~~

(2) A defendant who is issued a notice of infraction shall have no right to appeal the issuance



of the notice of infraction to the Board of Health.

(3) Payment of a civil penalty does not relieve any person of their duty to comply with these regulations. Additional infractions and other penalties may be imposed for continuing noncompliance with this chapter.

(4) The Health Officer is authorized to work cooperatively with the Washington State Department of Health and the Clallam County Sheriff to implement the enforcement in subsection (1) of this section.

**Section 41.20.270 Administrative penalties is amended as follows:**

(1) When the Health Officer determines that a violation of this chapter has occurred or is occurring, the person responsible for the violation has been legally notified, and the violation has continued beyond the date set forth in the notice of violation or order, the Health Officer has the authority to issue a monetary penalty.

(a) Daily monetary penalties shall begin on the day of issuance of the administrative penalty.

(2) The monetary penalty for violations for noncompliance with required system status inspections and reporting shall be \$105 per day, not to exceed \$600300-- per year. The start date of the daily penalty shall be the date the required system status report is due as ordered by the Health Officer. At the discretion of the Health Officer, the penalty amount assessed under this section may be reduced by no more than the lesser of 60% or \$360. The effective date shall be the date the required system status report is due as ordered by the Health Officer.

(3) The monetary penalty for the violation of installing a septic system without a permit or a Clallam County installer license shall be \$25,000.

(34) Monetary penalty schedule for other violations as determined by the Health Officer:

(a) First day of each violation: \$100;

(b) Second day of each violation: \$200;

(c) Third day of each violation: \$300;

(d) Fourth day of each violation: \$400;

(e) Each subsequent day of violation beyond four days: \$500, not to exceed \$14,000.

(45) Payment of an administrative penalty shall be made to Clallam County and receipted by Environmental Health Services. Payment of the administrative penalty does not relieve any person of their duty to comply with this chapter.

(56) The accumulation of administrative penalties may be stopped by the Health Officer if the violator begins compliance with the order or orders of the Health Officer.

(67) The administrative penalty may be reduced by the Health Officer or a hearing officer if the violation is corrected within 30 days from the date of issuance of the administrative penalty, or according to a time schedule approved by the Health Officer. The penalty should not be reduced below recovery of the costs of administration and enforcement of these regulations. In exercising discretion for the reduction of administrative penalties, the Health Officer will take into consideration the seriousness of the violation, the percentage of compliance achieved by the violator, and other relevant

Clallam County Board of Health  
111 E. 3<sup>rd</sup> Street  
Port Angeles, WA 98362

factors.

(78) Administrative penalties are a separate and independent method of civil enforcement and are supplementary to all other enforcement methods cited in these regulations.

BE IT ORDAINED BY THE CLALLAM COUNTY BOARD OF HEALTH:

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025

CLALLAM COUNTY BOARD OF HEALTH

\_\_\_\_\_  
Mike French, Chair  
Board of Health

\_\_\_\_\_  
Allison Berry, MD, MPH  
Clallam County Health Officer

ATTEST:

\_\_\_\_\_  
Nan Furford  
Clerk of the Board