



ORDINANCE NO. 2008- 015

AMENDING WHATCOM COUNTY HEALTH CODE  
WCC 24.05, ON SITE SEWAGE REGULATIONS

WHEREAS, the state Board of Health enacted Washington Administrative Code section 246-272A Rules and Regulations for On Site Sewage Systems effective July 1, 2007; and

WHEREAS, local Boards of Health are required to adopt the WAC by reference or local regulations that are at least as stringent; and

WHEREAS, the Whatcom County Board of Health did adopt local regulation on November 21, 2006; and

WHEREAS, those regulations include additional operations and maintenance requirements for local management and regulation; and

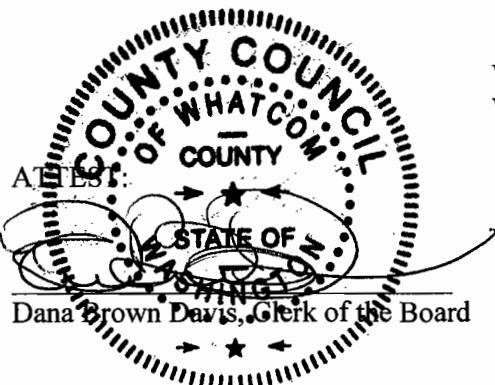
WHEREAS, the local Board of Health has indicated its interest in providing the ability for home owners to perform their own evaluations and these amendments will allow such; and

WHEREAS, the local Board of Health feels it necessary to reduce the experience requirements for Operations and Maintenance Specialists;

WHEREAS, the proposed amendments to WCC 24.05 section .040, .160, and .220 as outlined in Exhibit A of this ordinance, provide necessary language to implement this;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, acting as the Whatcom County Board of Health, that WCC 24.05 On Site Sewage Regulations sections .040-Definitions, .160 Operations and maintenance, and .220 Licensing be amended as outlined in Exhibit A.

ADOPTED this 25th day of March 2008.



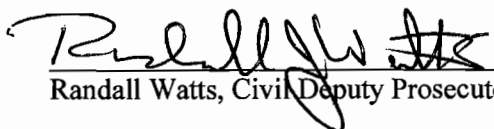
Dana Brown Davis, Clerk of the Board


WHATCOM COUNTY BOARD OF HEALTH  
WHATCOM COUNTY, WASHINGTON

  
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Carl Weimer, Chair

APPROVED AS TO FORM:

(  ) Approved (  ) Denied

  
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Randall Watts, Civil Deputy Prosecutor

  
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Pete Kremen, County Executive

Date: 4.4.08

## **Addition**

### WCC 24.05.040 Definitions

“Shall” means mandatory.

“Shoreline Management Program Area” means upland areas within 200 feet of the Ordinary High Water Mark (OHWM) of the shoreline of all streams with a mean average flow of 20 cubic feet per second, all lakes over 20 acres in size, all marine shorelines, and all associated wetlands and floodways in accordance with the Whatcom County Critical Area Ordinance.

“Significant periods of the year” means six months or longer.

#### **24.05.160 Operation and maintenance.**

- A. The OSS owner is responsible for properly operating, monitoring and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:
1. Obtain approval from the health officer before repairing, altering or expanding an OSS;
  2. Secure and renew contracts for periodic maintenance where required by the WCHD;
  3. Obtain and renew operation permits if required by the WCHD;
  4. Assure a complete initial evaluation of the system components and/or property by a licensed O&M Specialist to determine functionality, maintenance needs and compliance with this chapter and any permits. A Report of System Status shall be completed at the time of evaluations and submitted to the WCHD.
  5. Assure subsequent evaluations of the system components and/or property are completed as follows:
    - i. At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;
    - ii. Annually for all other systems unless more frequent inspections are specified by the health officer;
  6. Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
  7. Provide maintenance and needed repairs to promptly return the system to a proper operating condition;
  8. Protect the OSS area and the reserve area from:
    - i. Cover by structures or impervious material;
    - ii. Surface drainage and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;
    - iii. Soil compaction, for example by vehicular traffic or livestock; and
    - iv. Damage by soil removal and grade alteration.
  9. Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
  10. Operate and maintain systems as directed by the health officer;
  11. Request assistance from the health officer upon occurrence of a system failure or suspected system failure;
  12. At the time of property transfer, provide to the buyer, a copy of the current report of system status on file with the Whatcom County Health Department, and any available maintenance records, in addition to the completed seller disclosure statement in accordance with Chapter 64.06 RCW for residential real property transfers.
  13. Ensure that a current Report of System Status by a licensed O&M specialist is on file with WCHD when a residence is offered for sale.
- B. OSS owners may perform their own OSS evaluation in accordance with WCC 24.05.160.C. except for the following:
1. OSS technologies that are listed as proprietary on the WA State DOH list of registered on-site treatment and distribution products;
  2. Community drainfields;

3. Nonconforming replacement systems that do not meet vertical and horizontal separation installed as a result of a system failure;
  4. OSS serving Food Service Establishments.
- C. OSS owners who choose to perform their own evaluations shall complete O&M homeowner training as approved by the health officer. Upon completion of training, OSS owners may perform their own evaluation for six consecutive years. Following each six year period, the next required evaluation must be completed by a licensed O&M specialist. If OSS owners are discovered to be repeatedly noncompliant with 24.05.160, all subsequent evaluations shall be performed by a licensed O&M specialist.
- D. Persons shall not:
1. Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;
  2. Use a sewage system additive unless it is specifically approved by WDOH; or
  3. Use an OSS to dispose of waste components atypical of residential wastewater.
- E. The health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

## **24.05.220 Licensing.**

- C. The applicant for an operation and maintenance special license shall provide the following:
1. Application for a operation and maintenance specialist license shall be made on forms provided by the health officer. Application fees shall be paid at the time of application.
  2. The health officer shall determine by written and/or oral examination the applicant's knowledge of the operation and maintenance of on-site sewage systems. If the applicant does not receive a passing mark of 70 percent, the applicant shall be denied a license.
  3. The operation and maintenance specialist license shall expire on December 31. Fees are not prorated. The operation and maintenance license is not transferable. Application for renewal shall be made on forms provided by the health officer.
  4. Before the issuance of an operation and maintenance specialist license, the applicant shall file with the WCHD a surety bond issued by a surety insurer in a form acceptable to the health officer running to WCHD. Said bond shall be conditioned that the applicant will pay all amounts that may be adjudged against applicant by reason of negligent or improper work or breach of contract. The bond shall be conditioned that the holder of the license shall exercise reasonable care and skill and comply with this chapter. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The bond shall be kept in effect during the period of time for which the license is issued. In the event the bond is cancelled or any final judgment shall impair the liability of the surety upon the bond so furnished so that there shall not be in effect a bond undertaking in the full amount of \$2,000, the health officer shall suspend the license of such operation and maintenance specialist until the full bond liability has been furnished.
  5. Three continuing education units shall be required every three years for license renewal. The applicant shall provide proof to the health officer that continuing education courses were attended.