SNOHOMISH COUNTY BOARD OF HEALTH
Snohomish County, Washington

ORDINANCE NO. BOH23-01

ADOPTING THE SNOHOMISH COUNTY BOARD OF HEALTH CODE

WHEREAS, the Snohomish Health District ("District") was formed in 1959 as an independent special purpose district responsible for public health in Snohomish County and provides a wide range of public health programs and services to residents and business; and

WHEREAS, in 2022 the Snohomish Health District Board of Health and Snohomish County Council entered into agreement titled *Interlocal Agreement Between Snohomish County and Snohomish Health District* ("Interlocal Agreement") to transfer the District's authority and operations to the County on December 31, 2022, to provide a more unified, financially stable, efficient, and effective public health system for the residents and businesses of Snohomish County under the authority of chapter 70.46 RCW; and

WHEREAS, the Snohomish County Council adopted Amended Ordinance No. 22-061 creating a County Health Department and County Board of Health that came into existence on January 1, 2023, and began providing health services meeting the standards for health services promulgated by the State Board of Health as required by RCW 70.46.090; and

WHEREAS, under the terms of the Interlocal Agreement the District assigned its authority and enforcement of the Snohomish Health District Code to the County Department of Health, and the Snohomish Health District Code remains in effect until the County Board of Health adopts a County Board of Health Code; and

WHEREAS, the Snohomish County Board of Health now moves to exercise its authority under RCW 70.05.060(3) to enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof through the adoption of the Snohomish County Board of Health Code;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new Snohomish County Board of Health Code is adopted to read:

Title 1
GENERAL PROVISIONS

Chapters:

1.03 Codification Guidelines
1.05 General and Enforcement Provisions
1.20 Right of Appeals
1.30 Official Newspaper of Record

Chapter 1.03
CODIFICATION GUIDELINES

Sections:

1.03.010 Editorial revisions in the code.
1.03.020 Official department code.
1.03.030 Liberal construction.
1.03.040 Copies as proof of ordinances.
1.03.050 Adoption of new material.
1.03.060 Title and citation of code.
1.03.070 Purpose of catchlines.
1.03.080 Continuation of ordinances.
1.03.090 Reference applies to amendments.

1.03.010 Editorial revisions in the code.

While under contract with the Snohomish County Health Department, Code Publishing Company is hereby authorized to make the following changes while codifying, recodifying, and republishing current and future code adoptions by the Board of Health:

A. Editing ordinances to the extent deemed necessary or desirable, for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance.

B. Substituting for the terms “this ordinance” where necessary, and the terms “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require.

C. Correcting manifest errors in reference to other ordinances, laws, and statutes, and manifest spelling, clerical, or typographical errors, additions, or omissions.

D. Dividing long sections into two or more sections and rearranging the order of sections to ensure a logical arrangement of subject matter.

E. Changing the wording of section captions, if any, and providing captions to new chapters and sections.

F. Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

1.03.020 Official department code.

The codification of the ordinances of the Snohomish County Board of Health of a general, public, or permanent nature as contained and set forth in a printed copy thereof on file in the office of the Department Administrator or Executive Assistant, Administration, entitled "Snohomish County Board of Health Code," is adopted as the official code of the Department consistent with RCW 70.05.060.

1.03.030 Liberal construction.

All regulations contained in the Snohomish County Board of Health Code are enacted as an exercise of the authority vested by law in the Board of Health to provide for, promote, protect, and preserve the public peace, health, safety, and welfare, and such regulations shall be liberally construed for the accomplishment of said purposes. It is expressly the purpose of such regulations to provide for and protect the general public health and welfare and not to create or otherwise establish or designate any particular class or group of persons who will, or should, be especially protected or benefited by the terms of such regulations. No provision of, nor term used in, these rules and regulations is intended to impose any duty upon Snohomish County.

Nothing contained in any regulations contained in the Snohomish County Board of Health Code are intended to be, nor shall be, construed to create or form the basis for any liability on the part of Snohomish County, Snohomish County Board of Health, or Snohomish County Health Department, or its officers, employees, or agents for any injury or damage resulting from the failure of any member of the public to comply with applicable regulations, or from the failure of any facility, program, or policy to comply with applicable code requirements, or by reason, or in consequence, of any plan check, inspection, notice, order, certificate, or approval issued in connection with the implementation or enforcement of its regulations, or by reason of any

action, or inaction, on the part of the County, Board, Department, or its officers, employees, or agents, in connection with the implementation, or enforcement, of its regulations.

1.03.040 Copies as proof of ordinances.

Consistent with RCW 35.21.550, copies of such code in published form shall be received without further proof as the ordinances of permanent and general effect of the Snohomish County Board of Health by all courts and administrative tribunals of the state.

1.03.050 Adoption of new material.

New material shall be adopted by the Board of Health as separate ordinances prior to the inclusion thereof in such codification; provided, that any ordinance amending the codification shall set forth in full the section or sections of the codification being amended, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance nor any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

1.03.060 Title and citation of code.

The codification hereby adopted shall be known as the “Snohomish County Board of Health Code” or “Health Code” and may be cited as such.

1.03.070 Purpose of catchlines.

The catchlines appearing in connection with the titles, chapters and sections of the Snohomish County Board of Health Code are inserted as a matter of convenience, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of the Snohomish County Board of Health Code.

1.03.080 Continuation of ordinances.

Newly enacted provisions of the Snohomish County Board of Health Code, so far as they are substantially the same as existing provisions of the Snohomish County Board of Health Code, shall be construed as continuations thereof.

1.03.090 Reference applies to amendments.

Whenever a reference is made to any portion of the Snohomish County Board of Health Code, or to any ordinances of the Board of Health, such reference shall apply to all amendments and additions now or hereafter made.

Chapter 1.05
GENERAL AND ENFORCEMENT PROVISIONS

Sections:

1.05.010 Authority, purpose, and applicability.
1.05.015 Public nuisance.
1.05.020 Definitions.
1.05.030 Enforcement.
1.05.040 Permits.
1.05.060 Service of notices.
1.05.065 Interference with notices.
1.05.070 Supplemental to other regulations.
1.05.080 Inspections and right of entry.
1.05.090 Jurisdiction

1.05.010 Authority, purpose, and applicability.

Under the authority of Chapter 70.05 RCW, the rules and regulations contained herein shall be known as the Snohomish County Board of Health Code or Health Code. The purpose of the Snohomish County Board of Health Code is to preserve, promote and improve the public health and provide for enforcement as authorized under RCW 70.05.060. The provisions of Title 1, General Provisions, are applicable to the entire Snohomish County Board of Health Code

1.05.015 Public nuisance.

All violations of Health Code are determined to be detrimental to the public health, safety, and welfare and are hereby declared to be public nuisances. All conditions which are determined by the Health Officer to be in violation of any rules and regulations shall be subject to the provisions of the Health Code and shall be corrected by any reasonable and lawful means.

Public nuisances shall include, but are not limited to the following:

A. Polluting of the groundwater, any water supply, or any body of water with sewage, or any solid or liquid waste harmful to humans.

B. Sale or distribution of any food which is decayed, contaminated, adulterated, or found to be otherwise unsafe for human consumption.

C. Accumulation or disposal of solid waste, toxic waste, garbage, or animal manure in any manner not in accordance with the Snohomish County Board of Health Code.

D. Disposal of human sewage or sewage effluent in any manner not in accordance with the Snohomish County Board of Health Code; or the use of human sewage for fertilizing purposes for crops, gardens, or lawns.

E. Harboring animals in such a manner as to pose a threat of transmitting infectious disease to the public or to otherwise present a danger to the public health.

F. Maintaining for common use any drinking cup, utensils, dishware, containers, towels, cloths, clothing or bedding which is not cleaned and sanitized between individual usage.

G. The presence of smoke, fumes, chemicals, dusts or other like substances in an enclosed public place in a manner which endangers the public health or is in violation of any specific requirements of the Sanitary Board of Health Code.

H. Activities which result in the gathering or infestation of disease carrying vectors to such an extent as to pose a threat to the public health.

1.05.020 Definitions.

"Aggrieved Person" means a person whose interests are, or will likely be, specifically and perceptibly harmed by a requirement, permit, order, or decision made by the health officer or representative, and where a decision in favor of that person would substantially eliminate the harm caused, or likely to be caused, by the requirement, permit, order, or decision.

"Board of Health" means the Snohomish County Board of Health as defined in RCW 70.05.035.

"Board of Health Code" or "Code" or "Snohomish County Board of Health Code (SCBHC)" shall mean and comprise the rules and regulations now formulated, promulgated, adopted, and subsequently amended by the Snohomish County Board of Health.

"Director" means the director of the Snohomish County Health Department or representative.

"Health Department" or "Department" means the Snohomish County Health Department (SCHD).

"Health Officer" means the Health Officer of the Snohomish County Health Department, as defined in RCW 70.05.010, or representative.

"Hearing Examiner or "Examiner" means the hearing examiner or a deputy hearing examiner or pro tem hearing examiner appointed in accordance with chapter 2.02 of the Snohomish County Code (SCC).

"Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

"Permit" means a specific written authorization issued by the Health Officer for the performance, operation, use or repair of a function regulated by this Code.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, or an agent or representative thereof.

"Public Nuisance" means that which is set up, maintained, or continued so as to be injurious to the health, or an obstruction to the use of property by interfering with the health, safety, or life of any considerable number of persons.

"Snohomish County Code" or "SCC" means the official code of Snohomish County as adopted and amended by the Snohomish County Council.

1.05.030 Enforcement.

This Board of Health Code shall be enforced by the Health Officer or authorized representative throughout Snohomish County in accordance with the provisions of RCW 70.05.070. When

enforcement of this code necessitates the issuance of a Health Officer's order, all costs incurred for enforcement of that Health Officer's order shall be assessed against the person who remains in noncompliance with the Health Officer's order. Costs shall include the cost of additional inspection to determine compliance or noncompliance with the Health Officer's order.

1.05.040 Permits.

A. All applications for permits or written approval shall be made upon forms prescribed and furnished by the Department, and shall be signed by the applicant or authorized agent of the person responsible for compliance with the conditions of the permit. The application shall contain the data, information, and plans required for review of the application by the Department.

B. A permit or written approval issued to a particular person or for a designated place, purpose, or vehicle shall not be valid for use by any other person or for any other place, purpose, or vehicle than that designated therein. Permits and written approvals may contain general and specific conditions and every person who has obtained a permit or written approval shall conform to the conditions prescribed in said permit or written approval and to the provisions of the Board of Health Code. Permits and written approvals shall expire according to their written terms and are subject to renewal, suspension for cause, or revocation by the Health Officer.

C. The Department may deny an application for permit, permit renewal or written approval if the applicant has outstanding monies owed to the Snohomish County Health Department for permit fees, reinspection fees, late fees, checks returned by the bank, civil penalties, or other miscellaneous fees.

1.05.060 Service of notices.

Any notice, decision, determination, or order required to be served on a person, owner, agent or occupant of a premises shall be deemed to have been served under any of the following conditions:

A. Such notice, decision, determination, or order is delivered to such person by hand of any authorized agent of the Health Officer or any officer of the law.

B. Such notice, decision, determination, or order is mailed by registered or certified mail to the owner, or representative of the owner, or the last known occupant of the premises. Service by

mail shall be presumed effective upon the third business day following the day upon which notice, decision, determination, or order was placed in the mail.

C. Such notice, decision, determination, or order, properly signed, is posted by an authorized agent of the Health Officer or any officer of the law, upon any portion of such premises visible from a public place, whenever the owner or agent of the property's whereabouts is unknown.

1.05.065 Interference with notices.

No person shall remove, mutilate, or conceal any notice, decision, determination, order, or placard of the Health Department posted in or on any premises or public place except by permission of the Health Officer or authorized representative.

1.05.070 Supplemental to other regulations.

The regulations of this code shall be supplemental to the regulations, rules and orders of the State Board of Health, and other Washington State laws relating to public health and shall, as to matters to which it refers, and within the jurisdiction heretofore prescribed, supersede all prior rules and regulations of the Board of Health and all local ordinances heretofore or hereafter enacted inconsistent herewith. In the event of a conflict between this Code and any other local or state regulations, the more stringent shall apply.

1.05.080 Inspections and right of entry.

A. *Inspections.* All premises subject to the Board of Health Code shall be subject to the inspection of the Health Officer or authorized representative and, if any violation of the Board of Health Code exists on the premises, any permit or approval granted by the Health Officer may be suspended and/or revoked.

B. *Right of Entry.* The Health Officer or authorized representative may enter any land, building, structure, or premises at reasonable times provided such entry is consistent with the constitutions and laws of the United States and State of Washington:

1. To make an inspection to enforce or determine compliance with this Code; and/or

2. When there is reasonable cause to believe that a violation of this Code has been or is being committed.

C. *Conduct of Inspections*. The Health Officer or authorized representative may approach any land, building, structure, or premises, by a recognizable access route leading to said building or structure. If such land, building, structure, or premises is occupied, the Health Officer or authorized representative shall present identification credentials, state the reason for the inspection, and request entry. If such building, structure, or premises is unoccupied, the Health Officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, or premises and request entry. If entry is refused, the Health Officer or authorized representative has recourse to every remedy provided by law to secure entry.

D. *Refusal of Inspections.* No person shall refuse to allow the Health Officer or authorized representative to fully inspect any and all premises entered in the performance of duty, and no person shall molest, impact, or resist the Health Officer or authorized representative in the discharge of their duties. If entry is refused, the Health Officer shall have recourse to every remedy provided by law to secure entry.

1.05.090 Jurisdiction.

As provided in RCW 70.05.035(1)(h), the jurisdiction of the Snohomish County Board of Health is coextensive with the boundaries of Snohomish County and the Board of Health Code applies to all territory within Snohomish County, including all cities and towns therein.

Chapter 1.20
RIGHT OF APPEALS

Sections:

1.20.010 Purpose.
1.20.020 Applicability - what may be appealed.
1.20.030 Who may appeal.
1.20.040 Pre-appeal conference recommended.
1.20.050 Appeal procedure – General information.
1.20.060 Appeal procedure – Step one appeal.
1.20.070 Appeal procedure – Step two appeal.

1.20.010 Purpose.

The purpose of this chapter is to establish appeal procedures which will aid in resolving conflicts arising from the administration of the Snohomish County Board of Health Code and to ensure procedural due process and fairness in such administration.

1.20.020 Applicability - what may be appealed.

Any decision, determination, or order of the Health Department with respect to applications made to the Health Department; or the revocation, suspension, or modification of a license, certificate, or permit issued by the Health Department are subject to the appeal procedures in this chapter. For purposes of this chapter, the appealable actions listed in this section are referred to as a "decision."

1.20.030 Who may appeal.

Any aggrieved person may appeal a decision listed in SCBHC 1.20.020.

1.20.040 Pre-appeal conference recommended.

Although not required for the purpose of initiating the appeal process, any aggrieved person from the is encouraged to request an office conference with the Health Department Official who made the decision. Such conference will permit a free exchange of viewpoints. The Health Department Official will be expected to discuss and clarify the reason(s) for the decision and identify the applicable regulations. The aggrieved person may present their position and provide information relevant to the decision. A Health Department Director or designee may attend such conference. If the aggrieved person presents information not previously available or raises issues not previously addressed, the Health Department may undertake an additional review of the matter following the conference. A request for a pre-appeal conference does not stay the 21-day deadline required for an appellant to file a step one appeal.

1.20.050 Appeal procedure – General information.

A. The appeal process shall consist of a step one appeal and a step two appeal.

B. A step one appeal shall be an administrative review conducted by the responsible Health Department Division of a decision, determination, or order listed in SCBHC 1.20.020.

C. A step two appeal shall be a review of a step one appeal decision issued by the Department under SCBHC 1.20.060(E) and shall be conducted by the Hearing Examiner under the procedures in chapter 2.02 SCC.

1.20.060 Appeal procedure – Step one appeal.

A. *General.* A step one appeal shall be an internal administrative review of a decision, determination, or order listed in SCBHC 1.20.020 conducted by the Director or designee of the responsible Health Department Division with the step one appeal decision to be rendered by the Division Director. The Health Officer may be consulted during the internal administrative review process for a step one appeal.

B. *Time and Place to Appeal*. Step one appeals shall be filed in writing with the responsible Snohomish County Health Department Division Office (Attention: Division Director) within 21 calendar days of the decision being appealed. Failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under the Snohomish County Board of Health Code.

C. *Form Of Appeal*. A person filing a step one appeal must file a written statement setting forth: the decision under appeal; facts demonstrating that the person is aggrieved by the decision; a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable regulation; the specific relief requested; whether the appellant wants to exercise the right to meet with the Health Department or waive the right to a meeting; and any other information reasonably necessary to make a decision on the appeal.

D. *Step One Appeal Review.* The Division Director or designee shall conduct an administrative review which will include, but not be limited to: (1) review of Health Department records; (2) review of information submitted by the appellant; (3) review of applicable regulations; (4) on-site inspection of the property in question, if deemed necessary by the Division Director or designee; (5) meeting with the appellant if such meeting has been requested in the appellant's request for step one appeal procedure.

E. *Step One Appeal Decision.* The Division Director or designee shall issue a written step one appeal decision to the appellant within 30 calendar days of the filing of the appeal. The director may affirm, may reverse in whole or in part, or may modify the decision under dispute. The step one appeal decision shall include findings of fact based on the record and conclusions of law

which support the decision. A copy of the step one appeal decision shall be filed with the Health Officer.

1.20.070 Appeal procedure – Step two appeal.

A. *General.* A step two appeal shall be a review of a step one appeal decision issued by the Department under SCBHC 1.20.060(E) and shall be conducted by the Hearing Examiner under the provisions of chapter 2.02 SCC.

B. Appeal Fee. A step two appeal must include the appeal fee as established by the Board of Health in the fee schedules set forth in chapter 1.40 SCBHC.

C. Burden of Proof. The appellant has the burden of proof by preponderance of the evidence for appeals related to a decision, determination, or order of the Health Department with respect to an application. The Department has the burden of proof by preponderance of the evidence for appeals related to the revocation, suspension, or modification of a license, certificate, or permit.

Chapter 1.30
OFFICIAL NEWSPAPER OF RECORD

Sections:

1.30.010 Designated.

1.30.010 Designated.

The Board of Health designates the Daily Herald of Everett, WA as its official newspaper of record.

Title 2
HEALTH AND SAFETY

Chapters:

Division I. (RESERVED)

Division II. Solid Waste

2.15 Solid Waste Handling Regulations
2.20 Solid Waste Handling Standards
2.25 Criteria for Municipal Solid Waste Landfills
2.30 Minimum Functional Standards for Solid Waste Handling

Division III. Food Safety

2.35 Food Services

Division IV. Illegal Drug Manufacturing or Storage Sites

2.50 Decontamination of Illegal Drug Manufacturing or Storage Sites
2.55 Contaminated Properties
2.60 Rules and Regulations Regarding Decontamination of Illegal Drug Manufacturing or Storage Sites

Division V. Smoking in Public Places, Places of Employment and Other Related Matters

2.70 Local Supplemental Definition Provisions Relative to Chapter 70.160 RCW
2.75 Restrictions on the Use and Availability of Vapor Products

Division II. Solid Waste

Chapter 2.15
SOLID WASTE HANDLING REGULATIONS

Sections:

2.15.010 Authority and purpose.
2.15.020 Applicability.
2.15.030 Effective dates.
2.15.040 Definitions.

2.15.050 Administration.
2.15.060 Permit required.
2.15.070 Permit requirements for solid waste facilities.
2.15.080 Fees for service.
2.15.090 Administrative appeal of permit suspensions and permit denials.
2.15.100 Variances.
2.15.110 Violations and civil penalties.
2.15.120 Notice and order to correct violation.
2.15.130 Voluntary correction agreement.
2.15.140 Owner responsibilities for solid waste.
2.15.150 Performance standards.
2.15.160 General on-site storage, collection, transportation, and disposal standards for solid waste.
2.15.170 Animal waste handling.
2.15.180 Asbestos-containing waste material handling.
2.15.190 Biomedical waste handling.
2.15.200 Garbage handling.
2.15.210 Moderate risk waste handling.
2.15.220 Waste screening.
2.15.230 Beneficial use permit exemptions.
2.15.240 Recycling and material recovery facilities.
2.15.250 Composting facilities.
2.15.260 Land application.
2.15.270 Energy recovery and incineration facilities.
2.15.280 Transfer station and drop box facilities.
2.15.290 Moderate risk waste handling.
2.15.300 Piles used for storage or treatment.
2.15.310 Surface impoundments and tanks.
2.15.320 Waste tire storage.
2.15.330 Municipal solid waste landfills.
2.15.340 Limited purpose landfills.
2.15.350 Inert waste landfills.
2.15.360 Active, closed and abandoned landfills.
2.15.370 Other methods of solid waste handling.
2.15.380 Groundwater monitoring.
2.15.390 Financial assurance requirements.
2.15.400 Remedial action.

2.15.010 Authority and purpose.

A. *Authority.* These rules and regulations are promulgated under the authority of Chapter 70.05 RCW, Local Health Departments, Boards, Officers–Regulations; Chapter 70A.205 RCW, Solid Waste Management–Reduction and Recycling; Chapter 173-350 WAC, Solid Waste Handling Standards; Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills; and Chapter 246-203 WAC, General Sanitation, to protect the public health of the citizens of Snohomish County. These rules and regulations govern solid waste handling, storage, collection, transportation, treatment, utilization, processing, and final disposal of all solid waste within Snohomish County.

B. *Purpose.* It is expressly the purpose of these rules and regulations to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

It is the specific intent of these rules and regulations to place the obligation of complying with its requirements upon waste generators, haulers, operators of handling or disposal sites, and/or property owners. No provision of nor term used in these rules and regulations is intended to impose any duty whatsoever upon Snohomish County or any of its officers or employees.

2.15.020 Applicability.

For solid waste facilities refer to WAC 173-350-020, Applicability, and for municipal solid waste landfills refer to WAC 173-351-010, Purpose, Applicability and Effective Dates, as now or hereafter amended.

2.15.030 Effective dates.

For solid waste facilities refer to WAC 173-350-030, Effective Dates, and for municipal solid waste landfills refer to WAC 173-351-010, Purpose, Applicability and Effective Dates, as now or hereafter amended.

2.15.040 Definitions.

In addition to the terms defined in WAC 173-350-100, Definitions, and WAC 173-351-100, Definitions, as now or hereafter amended, the following terms when used in chapters 2.15 – 2.30 SCBHC are defined as follows:

"Abandoned landfills" means municipal solid waste, wood waste or inert and demolition waste landfills operated as landfills prior to the effective date of Chapter 173-304 WAC and/or that were never closed according to the requirements in Chapter 173-304 WAC or subsequent applicable regulations.

"Animal wastes" means wastes resulting from the keeping of animals, including but not limited to manure, animal bedding, and carcasses of dead animals.

"Asbestos-containing material (ACM)" means any material containing more than one percent asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

"Asbestos-containing waste material (ACWM)" means any waste that contains or is contaminated with friable asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. ACWM does not include samples of asbestos-containing material taken for testing or enforcement purposes.

"Biomedical waste" means, and is limited to, the following types of waste:

1. Animal waste is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, pathogenic microorganisms infectious to humans.

2. Biosafety level four disease waste is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level four by the Centers for Disease Control and Prevention, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

3. Culture and stocks are wastes infectious to humans and include specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

4. Human blood and blood products are discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

5. Pathological waste is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains and anatomical parts that are intended for final disposition.

6. Sharps waste is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades and lancets that have been removed from the original sterile package.

"Discharge or nonpermitted discharge of moderate risk waste (MRW)" means the accidental or intentional release of hazardous substances, MRW, or MRW constituents such that the substance, waste, or a waste constituent may enter or be emitted into the environment. Release includes, but is not limited to, the actions of spilling, leaking, pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

"Garbage" means unwanted animal and vegetable wastes, and animal and vegetable wastes and packaging resulting from the handling, storage, sale, preparation, cooking and serving of food; swill and carcasses of dead animals; and items of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous waste" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA.

"Household hazardous waste (HHW)" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under Chapter 70A.300 RCW, Hazardous Waste Management, solely because the waste is generated by households (including single and multifamily residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). HHW can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to Chapter 70A.300 RCW, Hazardous Waste Management.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter and in Chapter 173-350 WAC, Solid Waste Handling Standards. MRW also includes, but is not limited to, antifreeze, oils, batteries, gasoline, oil based or petroleum based paint, pesticides, pool chemicals, and wood preservatives.

"Performance standard" means standards set forth in WAC 173-350-040, that apply to the owner or operator of any solid waste facility.

"Sharps" means objects or devices having acute rigid corners, edges, points, or protuberances capable of cutting or piercing human skin and includes, but is not limited to, hypodermic needles, blades, and broken glass.

"Treatment, storage and disposal facility (TSD facility)" means a treatment, storage and disposal facility in the state of Washington which is permitted by the Washington Department of Ecology under Chapter 173-303 WAC, and where wastes, including hazardous wastes, can be taken. Comparable facilities in other states similarly permitted by authorized governmental agencies are also considered to be TSD facilities for the purposes of this regulation.

2.15.050 Administration.

A. *General.* All solid waste handling shall be subject to the authority of other laws, regulations, and other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by person which exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

B. *Enforcement.* The Health Officer shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

2.15.060 Permit required.

Refer to WAC 173-350-700, Permits and Local Ordinances, or for municipal solid waste landfills WAC 173-351-700, Permitting Requirements, as now or hereafter amended.

For solid waste handling facilities engaged in closure or closed before the February 10, 2003, effective date of Chapter 173-350 WAC, a permit may be required for any activity that substantially alters an existing closed or abandoned landfill. Plans and specifications for the proposed alteration shall be submitted to and approved by the Health Officer.

2.15.070 Permit requirements for solid waste facilities.

Refer to WAC 173-350-710, Permit Application and Issuance; and WAC 173-350-715, General Permit Application Requirements. Permit requirements are also cited in the particular sections that apply to the different types of solid waste facilities and in WAC 173-351-710 through 173-351-750, for municipal solid waste landfills, as now or hereafter amended.

2.15.080 Fees for service.

A. For facilities required to obtain a solid waste handling permit, the Health Officer is authorized to charge fees according to the most current approved fee schedule for services provided in chapter 1.40 SCBHC.

B. For sites and facilities conditionally exempt from permitting as described in Chapter 173-350 WAC, Solid Waste Handling Standards, the Health Officer is authorized to charge fees as set forth in chapter 1.40 SCBHC.

C. For solid waste handling facilities engaged in closure or closed before the February 10, 2003, effective date of Chapter 173-350 WAC, including abandoned landfills, the Health Officer is authorized to charge fees as set forth in chapter 1.40 SCBHC.

D. The Health Officer is authorized to charge fees as set forth in chapter 1.40 SCBHC for the review of waste screening determination applications.

2.15.090 Administrative appeal of permit suspensions and permit denials.

Refer to Chapter 1.20 SCBHC, Right of Appeals, and Chapter 2.20 SCBHC, WAC 173-350-710(7),Permit Application and Issuance, in paragraph numbered seven titled Permit Suspension and Appeals, as now or hereafter amended.

2.15.100 Variances.

Refer to WAC 173-350-710(8) Permit Application and Issuance, in paragraph numbered eight titled Variances, as now or hereafter amended.

2.15.110 Violations and civil penalties.

A. *Violations.*

1. Violations of SCBHC 2.15.160(E) may be addressed through a civil penalty as provided in subsection (B) of this section. Each violation shall be a separate and distinct offense.

2. A violation of any of the provisions of this chapter is an unlawful public nuisance.

B. *Civil Penalties.*

1. It is a class three civil infraction as defined in RCW 7.80.120 for a person to unlawfully dump solid waste in an amount less than or equal to one cubic foot.

2. A person that illegally dumps solid waste in an amount greater than one cubic foot but less than one cubic yard shall pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or $50.00 per cubic foot of litter, whichever is greater.

3. A person that illegally dumps solid waste in an amount of one cubic yard or more shall pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or $100.00 per cubic foot of litter, whichever is greater.

2.15.120 Notice and order to correct violation.

A. *Issuance.* Whenever the Health Officer determines that a violation of this chapter has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing, or participating in the violation.

B. *Content.* The notice and order to correct violation shall contain:

1. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;

2. The street address or description sufficient for identification of the property upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the provision of this chapter that has been violated;

4. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;

5. A statement that each violation of this chapter shall be a separate and distinct offense; and

6. A statement that the enumerated violations cited per SCBHC 2.15.110(A) have resulted in the issuance of civil penalties as described in SCBHC 2.15.110(B).

C. *Service of Order.* The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the notice and order to correct violation by first class and certified mail postage prepaid, return receipt requested, to such person at his/her last known address.

D. *Extension.* Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

E. *Supplemental Order to Correct Violation.* The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violation procedures contained in this section.

F. *Enforcement of the Notice and Order to Correct Violation.* If, after notice and order to correct violation is duly issued by the Health Officer, the person to whom such notice is directed fails, neglects, or refuses to obey such notice, the Health Officer may:

1. Cause such person to be prosecuted under this title; and/or

2. Institute any appropriate action to collect a penalty assessed under this title; and/or

3. Pursue any other appropriate remedy at law or equity under this title.

2.15.130 Voluntary correction agreement.

When the Health Officer determines that a violation has occurred or is occurring, he or she may attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.

A. *Voluntary Correction Agreement.* The person responsible for the alleged violation may enter into a voluntary correction agreement with the Health Officer. The voluntary correction agreement is a contract between the Health Officer and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the alleged violation;

2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;

3. A description of the alleged violation and a reference to the regulation which has been violated;

4. The necessary corrective action to be taken, and a date or time by which correction must be completed;

5. An agreement by the person responsible for the alleged violation that the Health Officer may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;

6. An agreement by the person responsible for the alleged violation that the Health Officer may enter the property to abate the violation and recover its costs and expenses (including administrative, hearing and removal costs) from the person responsible for the alleged violation if the terms of the voluntary correction agreement are not satisfied;

7. An agreement that by entering into the voluntary correction agreement, the person responsible for the alleged violation waives the right to an appeal under these regulations or otherwise, regarding the matter of the alleged violation and/or the required corrective action; and

8. An agreement that establishes a daily fine be imposed for each and every day after the date and time the alleged violation was to be corrected.

B. *Right to Appeal Waived.* By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to an appeal under these regulations or otherwise, regarding the matter of the violation and/or the required corrective action.

C. *Extension and Modification.* The Health Officer may, at his or her discretion, grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.

D. *Abatement by the Health Officer.* The Health Officer may cause the violation to be abated if all terms of the voluntary correction agreement are not met and all costs associated therewith shall be assessed against the person responsible.

E. *Collection of Costs.* In the event the person responsible fails to abide by the terms of the voluntary correction agreement, all cost and expense of correcting the condition, which constitutes a violation of these regulations, including inspection costs, administrative costs and,

if applicable, out-of-pocket expenses incurred for the abatement of the violation, shall be assessed against the person responsible.

2.15.140 Owner responsibilities for solid waste.

Refer to WAC 173-350-025, Owner Responsibilities for Solid Waste, as now or hereafter amended.

2.15.150 Performance standards.

Refer to WAC 173-350-040, Performance Standards, as now or hereafter amended.

2.15.160 General on-site storage, collection, transportation, and disposal standards for solid waste.

Refer to WAC 173-350-300, On-site Storage, Collection, and Transportation Standards, as now or hereafter amended. In addition, the following regulations apply to the removal, disposal, collection, and transportation of solid waste.

A. *Removal.* Solid waste shall be removed from the premises to a permitted solid waste handling facility at a frequency that does not create a public nuisance, or at a frequency otherwise approved by the Health Officer. The Health Officer may require any person who stores solid waste in a manner that creates a public nuisance, to remove solid waste from the premises to a permitted solid waste handling facility no less frequently than once per week.

B. *Disposal Regulations.* Solid waste shall be disposed of in a manner consistent with these regulations and all other federal, state, and local regulations regarding the disposal of solid waste. Should a situation arise where disposal of solid waste is not covered under this title, the Health Officer shall determine acceptability of a method of disposal for the solid waste on a case-by-case basis.

C. *Disposal Service Required.* When a person does not dispose of solid waste in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled solid waste collection service. Evidence, such as a copy of the contract or a billing statement, shall be provided to the Health Officer.

D. *Disposal Receipts Required.* Any person in violation of subsection (E) of this section, to whom a notice and order to correct violation has been issued, is required to produce receipts

from a permitted solid waste disposal, recycling and/or reclamation facility as evidence of compliance.

E. *Unlawful Dumping.* It shall be unlawful for any person to dump or deposit or allow the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state, except at a solid waste disposal site for which there is a valid permit; provided, that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his or her own activities onto or under the surface of ground owned or leased by him or her to the extent such actions comply with the standards in WAC 173-351-700(4)(b) and do not violate statutes or ordinances, or create a nuisance .

1. *Name Appearing on Waste Material and Presumption.* Whenever solid waste dumped in violation of these rules and regulations contains three or more items bearing the name of one individual, there shall be rebuttable presumption that the individual whose name appears on such items committed the unlawful act of dumping.

2. *Lack of Identification.* When the Health Officer investigates a case of unlawful dumping and finds no identification or evidence in the solid waste, he/she may then order the property owner to remove said solid waste from his/her land. Where this occurs on private land the property owner or occupant shall be responsible for removal. Where this occurs on public land the appropriate governmental agency shall be responsible for removal.

F. *Solid Waste Handling Permit.* Any person commercially collecting or transporting solid waste found to be in violation of WAC 173-350-300(3), may be required to obtain a solid waste handling permit. Persons required to obtain a solid waste handling permit shall renew the permit annually. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities.

2.15.170 Animal waste handling.

A. *Handling and Disposal Regulations.* All animal waste shall be handled and disposed of in a manner consistent with Chapter 246-203 WAC, General Sanitation, or other method approved by the Health Officer.

B. *Disposal of Dead Animals.* The carcass of any dead animal shall be removed and disposed of in a manner consistent with WAC 246-203-121, Disposal of Dead Animals, or other method approved by the Health Officer.

C. *Animal Manure and Pet Waste Handling and Disposal.* Domestic animal waste must be handled and disposed of in a manner consistent with WAC 246-203-130, Domestic Animal Waste, or other method approved by the Health Officer.

2.15.180 Asbestos-containing waste material handling.

A. *General.* Asbestos-containing waste material (ACWM), as defined in SCBHC 2.15.040, shall be handled and disposed of pursuant to 40 CFR 61, National Emission Standards for Hazardous Air Pollutants; Chapter 173-303 WAC, Dangerous Waste Regulations; Puget Sound Clean Air Agency (PSCAA) Regulation III Article 4; and Chapter 296-65 WAC, Asbestos Removal and Encapsulation.

B. *Removal.* Persons removing ACWM shall contact the PSCAA for information and instruction concerning removal and disposal. ACWM must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a combined six mils thickness or greater and identified with the proper warning label.

C. *Disposal.* ACWM shall be disposed of at a permitted solid waste disposal site approved to handle ACWM. ACWM shall be disposed of in accordance with 40 CFR 61, and covered with at least 15 centimeters (six inches) of nonasbestos-containing waste material immediately following disposal.

D. *Nonfriable Asbestos-Containing Material Disposal.* Demolition debris intermixed with nonfriable asbestos-containing material shall be disposed of at a permitted solid waste disposal site and not taken to a recycling facility or other solid waste handling facility where the material may be rendered friable by grinding or abrading. Disposal shall comply with all other applicable federal, state and local regulations.

2.15.190 Biomedical waste handling.

A. *Applicability.* These regulations apply to:

1. All hospitals, medical and dental clinics, medical laboratories, nursing or intermediate care facilities, veterinary facilities, and other institutions that may generate biomedical waste as defined in SCBHC 2.15.040, without regard to the quantity of infectious waste produced per month;

2. Businesses and individuals storing, treating, and/or transporting for disposal, biomedical waste. These requirements shall not apply to residentially generated biomedical waste from single-family dwellings unless specifically addressed in these regulations; and

3. Individuals that may generate medical or infectious wastes in quantity or quality sufficient to constitute a potential public health problem as determined by the Health Officer on a case-by-case basis.

B. *Biomedical Waste Management Plan.* Each facility shall follow a written biomedical waste management plan that includes specific policies and procedures covering the handling, treatment, transportation, storage and disposal of biomedical waste. The plan should include procedures for accidents or spills of biomedical waste. The plan shall be available for review by the Health Officer upon request.

C. *Storage and Handling.*

1. Biomedical wastes shall be segregated from the general medical waste stream at the point of origin and stored in separate containers.

2. Biomedical waste with multiple hazards (e.g., toxic, radioactive, or other hazardous chemicals) shall be segregated from the general biomedical waste stream when additional or alternative treatment is required, or in cases where the wastes are regulated under state or federal authority.

3. Sharps waste shall be contained for storage, transportation, treatment, and disposal in sharps waste containers. Sharps waste containers must be leak-proof, rigid, puncture-resistant and red containers that are taped closed or tightly lidded to prevent the loss of contents.

4. Each container used for the containment of biomedical waste shall be marked with a prominent warning sign, in English, that includes the word(s) “Biohazard,” “Biomedical” or “Infectious Waste.”

5. Reusable containers for biomedical waste shall be thoroughly washed and disinfected by a method approved by the Health Officer each time they are emptied, unless the surfaces of such containers have been completely protected from contamination by disposable bags, liners or other devices removed with the waste.

6. Biomedical waste storage, including vehicles used to transport biomedical waste, and treatment areas shall be accessible to authorized personnel only, marked with a prominent warning sign, in English, that includes the word(s) “Biohazard,” “Biomedical” or “Infectious Waste” and kept clean and free of all vectors capable of transmitting disease. Warning signs shall be readily legible from a distance of at least 25 feet. Vehicles shall have signs legible from a distance of 50 feet.

7. The handling and storage of all biomedical waste must prevent the dissemination of biomedical waste into the environment.

8. Floors of storage areas shall be of impervious material to prevent saturation of liquid and semi-liquid substances, and a perimeter curb is recommended to contain spills. Storage areas shall also be well lighted and ventilated.

9. Storage time of biomedical waste before treatment shall be kept to a minimum if not treated the same day as generated.

D. *Treatment.* All biomedical waste shall be treated in an autoclave, incinerator, retort or other approved process to render it harmless prior to disposal at a disposal site approved by the Health Officer. It is the responsibility of the generator to provide for and assure effective treatment of all biomedical waste generated on site.

E. *Disposal.*

1. Biomedical waste shall not be disposed of prior to treatment, as described in subsection (D) of this section. All biomedical waste, including medical waste that has been rendered harmless and noninfectious waste, shall be disposed of at a solid waste disposal site approved by the Health Officer.

2. All human or animal body parts, fetuses, and other pathological specimens shall be disposed of either by appropriate interment, incineration, or other method approved by the Health Officer.

3. Untreated liquid and liquefied biomedical waste may be disposed of by release into a sanitary sewage system if approved by the jurisdictional sewer utility. The Health Officer shall have the authority to require the treatment of any biomedical liquid waste in accordance with subsection (D) of this section prior to release into a sanitary sewage system if deemed necessary to protect the public health.

F. *Sharps.* Residentially generated sharps waste shall comply with the following standards:

1. Sharps waste shall be contained in sharps waste containers;

2. Sharps waste shall not be disposed of in any recycling container unless the container is specifically designated for sharps waste;

3. Sharps waste shall not be disposed of in refuse collection containers (e.g., garbage cans, garbage bags, dumpsters, etc.) if a source-separated collection service is provided for residential sharps waste by the public or private solid waste collection service provider; and

4. Providers of source-separated residential sharps collection shall be in compliance with the standards of Chapter 70A.228 RCW.

G. *Contingency Plan.* Generators of all medical waste must develop and abide by a contingency plan for the treatment of biomedical waste should failure of the primary biomedical waste treatment system occur. This plan shall be available for review by the Health Officer upon request.

H. *Inspection.* The Health Officer shall have the authority to enter any biomedical waste generating facility, at any reasonable time, for the purpose of determining if medical waste is being stored, handled, treated, and/or disposed of in accordance with this section.

I. *Solid Waste Handling Permit.* Any facility storing, handling, transporting, treating, or disposing of biomedical waste found to be in violation of this section may be required to obtain a solid waste handling permit. Persons required to obtain a solid waste handling permit shall renew the permit annually during the active life of the facility. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities.

2.15.200 Garbage handling.

Refer to WAC 173-350-300, On-Site Storage, Collection, and Transportation Standards, as now or hereafter amended.

In addition, all garbage stored in disposable containers shall be stored in a manner that prevents rodents, insects and other animals from access to the contents as a food source. Garbage shall be removed from the property at a frequency that complies with SCBHC 2.15.160(A).

2.15.210 Moderate risk waste handling.

A. *Owner Responsibility for Moderate Risk Waste.*

1. *Conditionally Exempt Small Quantity Generators (CESQGs).* CESQG as defined by WAC 173-350-100, and the generators of household hazardous waste shall be responsible for the satisfactory and legal management and final disposal of all moderate risk waste generated or accumulated on the property.

2. *Mitigation and Control of MRW.* The person responsible for a spill or nonpermitted discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves). In addition, the person responsible for a spill or discharge shall:

a. Clean up all released MRW, MRW constituents and hazardous substances, or take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities.

b. Designate and treat, store, or dispose of all soils, waters, or other materials contaminated by the spill or nonpermitted discharge.

B. *Storage Requirements.*

1. *Household Hazardous Waste (HHW).* HHW generators must store HHW in its original container or in a container that is otherwise clearly labeled; provide some means of cover over the waste containers to prevent deterioration of the containers; and store containers so that they are not in direct contact with the ground. The storage of HHW in leaking containers or in a manner likely to result in a release of HHW to the environment is prohibited.

2. *Conditionally Exempt Small Quantity Generator Waste.* All MRW produced and/or stored by CESQGs shall be stored in an appropriate container for the type of waste that is being stored. The containers must be clearly labeled; some means of cover over the waste containers to prevent deterioration of the containers must be provided; and containers must be stored so that they are not in direct contact with the ground. There must be proper means of storage until the waste has been removed to a permitted treatment, storage, or disposal facility or until it has been treated and rendered nonhazardous. The storage of MRW in leaking containers or in a manner likely to result in a release of MRW to the environment is prohibited.

C. *Labeling.*

1. *Household Hazardous Waste.* HHW must be clearly labeled; this is accomplished by either returning wastes to their original containers or by labeling each container stating what type of waste it contains.

2. *Conditionally Exempt Small Quantity Generators.* All containers of waste must be labeled with the following information:

a. Accumulation start date;

b. Washington State Department of Transportation labels, if necessary;

c. Description of waste, including the hazards associated with the waste;

d. The words “Hazardous Waste” or “Dangerous Waste” clearly marked on labels; and

e. If more than one gallon, label containers so they are legible and recognizable from a distance of twenty-five feet, or the lettering size be a minimum of one-half inch in height.

D. *Secondary Containment.*

1. *Household Hazardous Waste.* No secondary containment is required for HHW.

2. *Conditionally Exempt Small Quantity Generator.* All wastes that are produced and/or stored on site must have secondary containment that is:

a. Covered (if not inside an enclosed building);

b. Made of a leak-proof material;

c. Sturdy in construction;

d. Compatible with the waste that it is meant to contain;

e. Capable of containing 10 percent of the volume of all the containers or tanks holding liquid, or the total volume of the largest container or tank in the area, whichever is greater; and

f. Containers equipped with double walls, or other effective spill prevention features, may be substituted for secondary containment as approved on a case-by-case basis by the Health Officer.

E. *Accumulation Standards.*

1. *Household Hazardous Waste.* HHW may not be accumulated in quantities that, in the opinion of the Health Officer, present a threat to public health or the environment.

2. *Conditionally Exempt Small Quantity Generators.* CESQG (e.g., businesses) shall not generate or accumulate MRW equal to or more than the quantity exclusion limit (QEL) established by Chapter 173-303 WAC, Dangerous Waste Regulations. The current generation QEL is less than 220 pounds of dangerous waste, or less than 2.2 pounds of extremely hazardous waste, per month or per batch. The current accumulation QEL is not more than 2,200 pounds of dangerous waste, or more than 2.2 pounds of extremely hazardous waste accumulated or stored. Persons exceeding the QEL must adhere to Chapter 173-303 WAC, administered by the Washington State Department of Ecology, and not these regulations.

F. *Transportation.* Vehicles or containers used for the transportation of MRW shall be loaded and moved in such a manner that the contents will not fail, leak, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately and the area properly cleaned.

G. *Treatment and Disposal Standards.*

1. *Household Hazardous Waste.* HHW shall not be deposited in the solid waste collection system, an on-site sewage system, a storm drain, the surface or groundwater, the surface of the ground or under the ground. HHW shall not be deposited in a public sewer system unless written approval is obtained from the providing sewer utility or a state waste discharge permit is obtained. Usable pesticides and wood preservatives shall be utilized in

accordance with the Environmental Protection Agency approved label requirements, or shall be disposed of at a disposal site approved by the Health Officer. Substantially empty nonrestricted use pesticide containers and paint containers that are free of liquids are excluded from this section and should be handled as general household waste after they have been cleaned and punctured to show that they are empty. All empty restricted use or banned pesticide containers must be triple rinsed with clean water or other appropriate solvent prior to disposal into the solid waste stream. The rinse from restricted use pesticide containers shall be utilized in the same registered manner as the pesticide previously held in the container. The rinse from banned pesticide containers shall be disposed of at a disposal site approved by the Health Officer.

2. HHW shall be disposed of at a permitted MRW facility or a product take back center operating in compliance with federal, state and local regulations.

3. *Conditionally Exempt Small Quantity Generators.* CESQGs are prohibited from disposing of MRW into the solid waste collection system, a storm drain, septic system, body of water, or the environment in general. MRW shall not be deposited in a public sewer system unless written approval is obtained from the providing sewer utility or a state waste discharge permit is obtained. CESQGs are required to manage or dispose of MRW through a:

a. TSD facility, as defined in this regulation; or

b. Permitted MRW fixed facility, or mobile system and collection event in compliance with WAC 173-350-360; or

c. Facility, such as a product take back center, that beneficially uses or reuses, or legitimately recycles or reclaims hazardous waste, or that treats waste prior to such recycling activities; or

d. Method approved by the Washington State Department of Ecology to treat dangerous waste on site. Treat hazardous waste on site to render it nonhazardous. All treatment methods must have prior approval from the Washington State Department of Ecology.

4. If a CESQG accepts MRW that is not produced at or by the business itself, (e.g., waste oil, waste antifreeze, or other hazardous wastes from other businesses or from households), then the business will be considered a MRW facility and is subject to the MRW handling requirements of WAC 173-350-360.

2.15.220 Waste screening.

A. *Identification.* The Health Officer shall have the authority to inspect and screen any waste, excavated soil, soil like or other material suspected of being a regulated dangerous waste or containing contaminants at levels posing a threat to human health or the environment. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis. If the generator is not known, the property owner or business operator shall be responsible for such analysis. If the Health Officer determines that the waste is not a dangerous waste under Chapter 173-303 WAC, Dangerous Waste Regulations, but still poses a threat to human health or the environment, the Health Officer shall regulate the material as solid waste. As such, the Health Officer shall direct the generator, transporter, property owner or business operator to dispose or treat the material at a specified site or in a manner specified by the Health Officer. Chapters 173-303 and 173-340 WAC, Model Toxics Control Act Regulations, shall be considered when screening and making waste determinations. Any waste determinations involving solid waste shall comply with Chapter 173-350 WAC, Solid Waste Handling Standards.

B. *Disposal.* If during a solid waste facility inspection the Health Officer observes any waste suspected of being a regulated dangerous waste, waste posing a threat to human health or the environment or waste not conforming to a facility's approved waste acceptance plan, the Health Officer shall have the authority to require the property owner or business operator to stop accepting suspect waste, segregate and hold any on-site suspect waste. The Health Officer may require identification of the waste as outlined in subsection (A) of this section. The disposal site property owner, business operator and/or site attendants shall have similar authority not to accept suspect wastes. The site owner or operator will assume responsibility for disposal of the waste if the generator is unknown.

C. *Records.* The property owner or business operator shall maintain records of loads refused as suspected dangerous wastes. These records shall include name and address of generator or transporter, license plate number of transporting vehicle, description of waste and reason for refusal. The business operator shall refer this information to the Health Officer within 14 days of refusal.

2.15.230 Beneficial use permit exemptions.

Refer to WAC 173-350-200, Beneficial Use Permit Exemptions, as now or hereafter amended.

2.15.240 Recycling and material recovery facilities.

Refer to WAC 173-350-210, Recycling and Material Recovery Facilities, as now or hereafter amended.

2.15.250 Composting facilities.

Refer to WAC 173-350-220, Composting Facilities, as now or hereafter amended.

2.15.260 Land application.

Refer to WAC 173-350-230, Land Application, as now or hereafter amended.

2.15.270 Energy recovery and incineration facilities.

Refer to WAC 173-350-240, Energy Recovery and Incineration Facilities, as now or hereafter amended.

2.15.280 Transfer stations and drop box facilities.

Refer to WAC 173-350-310, Transfer Stations and Drop Box Facilities, as now or hereafter amended.

2.15.290 Moderate risk waste handling.

Refer to WAC 173-350-360, Moderate Risk Waste Handling; and WAC 173-350-600, Financial Assurance Requirements, as now or hereafter amended.

2.15.300 Piles used for storage or treatment.

Refer to WAC 173-350-320, Piles Used for Storage or Treatment, as now or hereafter amended.

2.15.310 Surface impoundments and tanks.

Refer to WAC 173-350-330, Surface Impoundments and Tanks; and WAC 173-350-500, Groundwater Monitoring, as now or hereafter amended.

2.15.320 Waste tire storage.

Refer to WAC 173-350-350, Waste Tire Storage; and WAC 173-350-600, Financial Assurance Requirements, as now or hereafter amended.

2.15.330 Municipal solid waste landfills.

Refer to Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfill, as now or hereafter amended.

2.15.340 Limited purpose landfills.

Refer to WAC 173-350-400, Limited Purpose Landfills; WAC 173-350-500, Groundwater Monitoring; and WAC 173-350-600, Financial Assurance Requirements, as now or hereafter amended.

2.15.350 Inert waste landfills.

Refer to WAC 173-350-410, Inert Waste Landfills, as now or hereafter amended.

2.15.360 Active, closed and abandoned landfills.

A. *Owner Responsibilities.* The owner of a closed or abandoned landfill site is responsible for preventing negative impacts to human health and environment from the site. All landfill sites that are no longer operational shall be monitored by the owner and be subject to repair, maintenance, and remediation in order to prevent a threat to human health or the environment or a violation of federal, state, or local regulation. The Health Officer shall have the authority to require the owner to conduct:

1. Landfill cap and surface repairs and maintenance;

2. Explosive gases, such as methane, monitoring and control;

3. Surface and groundwater monitoring;

4. Leachate control and treatment; and

5. Any additional measures determined by the Health Officer to be necessary to protect human health and the environment.

B. The Health Officer has the right to inspect, monitor, direct and order remedial action on any closed or abandoned landfill site.

C. *Construction Requirements.* If an owner of a closed or abandoned landfill proposes or is required to conduct site work or construction on the landfill or the property that the landfill is on, then the owner of the landfill shall submit proposed construction and remediation plans to the Health Officer for review and comment. The remediation and/or construction plans must be approved by the Health Officer before site work begins. The plans shall be prepared by a licensed professional engineer and shall contain the following:

1. A description of the proposed activities;

2. A description of potential hazards from the activities and how the potential hazards will be controlled. Potential hazards may include but are not limited to subsidence, methane and other explosive gases or volatile compounds, leachate, hazards associated with subsurface utility installation, erosion, and water quality;

3. A proposed timeline for the activities;

4. Any other information that the Health Officer requests as part of the proposed activities; and

5. A signed and stamped document by the professional engineer attesting that the construction and remediation activities were completed in accordance with her/his recommendations for preventing negative impacts from the landfill to human health or the environment.

D. Site modifications made to abandoned or closed landfill sites outside of Health Officer approved plans may result in enforcement action against the landfill property owners and other responsible parties.

E. *Explosive Gas Monitoring and Control at and Near Landfills.*

1. Owners of all operational, closed or abandoned landfills except inert waste landfills shall provide for adequate collecting, redirecting and venting of gases generated by solid

waste. No explosive gas shall be allowed to migrate to or beyond the facility boundary above or below the ground in concentrations greater than the lower explosive limit for methane or in excess of 100 parts per million by volume of hydrocarbons (expressed as methane) in off-site structures, or in excess of 25 percent of the lower explosive limit for gases in facility structures (excluding gas control and recovery system components). It shall be the responsibility of the landfill owner to develop a sampling and testing program to monitor gas production and migration. Such program shall be approved by the Health Officer.

2. *Construction Standards.*

a. Any person constructing or developing any area within 1,000 feet of an active area of an active, closed or abandoned landfill shall provide documentation that demonstrates that levels of explosive gas within this 1,000-foot zone are below the lower explosive limits (LEL) under all conditions. A description of the investigation methodology, all analytical data, and conclusions shall be presented in a report submitted by a licensed professional engineer or professional geologist to the Health Officer and the local building department for review and approval.

b. Any person constructing or developing any area within 1,000 feet of an active area of an active, closed or abandoned landfill shall provide documentation that demonstrates that all enclosed structures are protected from potential explosive gas migration. The method for ensuring a structure's protection from explosive gas shall be addressed in a report submitted by a licensed professional engineer to the Health Officer and the local building department for review and approval. Such a report shall contain a description of the mitigation measures to prevent the accumulation of explosive concentrations of gas within or under enclosed portions of a building or structure. At the time of the final inspection, the engineer shall furnish a signed statement attesting that the building or structure has been constructed in accordance with her/his recommendations for addressing the explosive gas migration.

c. The Health Officer may grant a variance to the requirements in subsection (E)(2)(b) of this section based on a review of the data submitted pursuant to subsection (E)(2)(a) of this section.

F. *Solid Waste Handling Permit.* Any owner of an active, closed or abandoned landfill found to be in violation of this section may be required to obtain a solid waste handling permit. Any owner required to obtain a solid waste handling permit shall renew the permit annually. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities.

2.15.370 Other methods of solid waste handling.

Refer to WAC 173-350-490, Other Methods of Solid Waste Handling, as now or hereafter amended.

2.15.380 Groundwater monitoring.

For solid waste facilities refer to WAC 173-350-500, Groundwater Monitoring, and for municipal solid waste landfills, refer to Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfill, as now or hereafter amended.

2.15.390 Financial assurance requirements.

For solid waste facilities refer to WAC 173-350-600, Financial Assurance Requirements, and for municipal solid waste landfills refer to WAC 173-351-600, Financial Assurance Criteria, as now or hereafter amended.

2.15.400 Remedial action.

Refer to WAC 173-350-900, Remedial Action, as now or hereafter amended.

Chapter 2.20
SOLID WASTE HANDLING STANDARDS

2.20.010 Chapter 173-350 WAC.

This section adopts Chapter 173-350 WAC, Solid Waste Handling Standards, by reference.

Chapter 2.25
CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

2.25.010 Chapter 173-351 WAC.

This section adopts Chapter 173-351 WAC, Criteria For Municipal Solid Waste Landfills, by reference.

Chapter 2.30
MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

2.30.010 Chapter 173-304 WAC.

This section adopts Chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling, by reference.

Division III. Food Safety

Chapter 2.35
FOOD SERVICES

2.35.010 Chapter 246-215 WAC.

This section adopts Chapter 246-215 WAC, Food Service, by reference.

Division IV. Illegal Drug Manufacturing or Storage Sites

Chapter 2.50
DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

2.50.010 Chapter 246-205 WAC.

This section adopts Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, by reference.

Chapter 2.55
CONTAMINATED PROPERTIES

2.55.010 Chapter 64.44 RCW.

This section adopts Chapter 64.44 RCW, Contaminated Properties, by reference.

Chapter 2.60
RULES AND REGULATIONS REGARDING DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

Sections:

2.60.010 Authority and purpose.
2.60.020 Applicability.
2.60.030 Definitions.
2.60.050 Health Officer determination and issuance of order.
2.60.060 Decontamination.
2.60.070 Securing property and abatement.
2.60.080 Assessment of costs.
2.60.090 Violations and civil penalties.
2.60.100 Notice and order to correct violation.

2.60.010 Authority and purpose.

A. *Authority.* The Snohomish County Board of Health adopts this chapter pursuant to Chapters 43.20, 64.44, and 70.05 RCW and Chapter 246-205 WAC. All references to these RCWs and WACs refer to the cited chapters and sections, as now or hereafter amended.

B. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for public contact with hazardous chemicals associated with the manufacture of illegal drugs and by providing a just and practicable method for decontaminating property where these hazardous chemicals commonly are present. In addition to the requirements established in Chapter 64.44 RCW and Chapter 246-205 WAC, this chapter establishes additional requirements for decontamination, abatement, assessment of costs and enforcement of the same.

2.60.020 Applicability.

This chapter shall apply to any site defined as an illegal drug manufacturing or storage site in WAC 246-205-010. This chapter shall also apply to any property that exceeds the decontamination standards as defined in WAC 246-205-541.

2.60.030 Definitions.

When used in this chapter, the following terms have the meanings provided below. Other terms used in this chapter that are not defined below are provided in Chapter 64.44 RCW and Chapter 246-205 WAC.

"Approved" means approved in writing by the Health Officer.

"Notice and order to correct violation" means the Health Officer's order requiring correction of violations of the order, including imposition of civil penalties for violation of the order.

"Order" means the Health Officer's order prohibiting use of property determined to be contaminated

2.60.050 Health Officer determination and issuance of order.

A. *General.* The requirements for site postings, inspection, determination of contamination, and issuance of the Health Officer's order prohibiting use of contaminated property are in Chapter 64.44 RCW and Chapter 246-205 WAC.

B. *Right of Appeals.* The process and timeline for appealing an order declaring a property unfit and prohibiting its use, shall be pursuant to Chapter 64.44 RCW and Chapter 246-205 WAC.

C. *Stay of the Health Officer's Order.* The filing of a request for an appeal for a hearing will operate as a stay from the requirement to perform corrective action ordered by the Health Officer while the hearing is pending, except:

1. There shall be no stay from the requirement in the order prohibiting use, occupancy or the moving of any property.

2. There shall be no stay from the requirements of immediate compliance where the order has been designated an emergency order by the Health Officer.

2.60.060 Decontamination.

A. *Applicability.* The requirements in this section are in addition to the decontamination requirements in Chapter 64.44 RCW and Chapter 246-205 WAC. The requirements in this section apply to property that has been found by the Health Officer to be contaminated and unfit for use pursuant to RCW 64.44.020 and 64.44.030, and WAC 246-205-531 and 246-205-540, including property found contaminated and unfit for use by the Health Officer prior to the effective date of this chapter.

B. *Decontamination or Disposal Required.*

1. The owner, occupant, any person in control of any contaminated property, or any person responsible for contaminating the property, are required to decontaminate or dispose of the contaminated property. Decontamination or disposal of property shall be done in accordance with this chapter, Chapter 64.44 RCW, Chapter 246-205 WAC, all orders of the Health Officer, and shall comply with all applicable federal, state, and local laws, regulations, procedures and guidelines.

2. Any decontamination or disposal activities shall be performed through the services of a decontamination contractor certified by the Washington State Department of Health unless otherwise authorized by the Health Officer.

3. Prior to commencing any decontamination or disposal activities a decontamination workplan must be submitted to and approved by the Health Officer unless otherwise

authorized by the Health Officer. Any deviations from the workplan must be approved in advance by the Health Officer.

4. Timelines for the performance of decontamination or disposal of property subject to the order shall be as follows, unless otherwise approved by the Health Officer:

a. Contaminated property, excluding motor vehicles, trailers, and boats, shall be decontaminated or disposed of within 45 days of notification of contamination by the Health Officer.

b. Contaminated motor vehicles, trailers, and boats shall be decontaminated or disposed of within 30 days of notification of contamination by the Health Officer.

C. *Decontamination Workplans.* All decontamination contractors certified by the Washington State Department of Health and other persons performing decontamination or disposal operations approved by the Health Officer, shall use the Washington State Department of Health's workplan template, as amended, unless otherwise approved by the Health Officer.

2.60.070 Securing property and abatement.

A. The property owner or other persons to whom the order was directed shall take all necessary action to maintain the property, secure against entry by closing, boarding up, fencing, barricading, locking or otherwise securing the property.

In the event that the property owner or other persons to whom the order was directed do not comply, the Health Officer may take all necessary actions to maintain the property, secure against entry by closing, boarding up, fencing, barricading, locking, or otherwise securing the same.

B. Once an order is issued by the Health Officer relative to the subject property, the Health Officer shall thereafter be entitled to enter or access such property as reasonably necessary for the sake of further inspections, posting the property, securing the property, and/or abating the condition. This right of access shall expire at such time as the property has been subjected to an approved decontamination.

C. The Health Officer may prohibit the moving or removal of vehicles or any other personal property and may secure such property by attachment of a locking device or any other means to prevent the property from being removed.

D. If the property owner or other persons to whom the order was directed have failed to decontaminate or dispose of contaminated property as ordered by the Health Officer, the Health Officer may direct or cause the property to be decontaminated, closed, vacated,

boarded up, removed, disposed of or demolished, pursuant to this chapter, Chapter 64.44 RCW and Chapter 246-205 WAC.

2.60.080 Assessment of costs.

A. Any costs incurred by the Health Department in assessment and enforcement of the provisions of this chapter, Chapter 64.44 RCW and Chapter 246-205 WAC may be collected by any appropriate administrative fee or legal remedy.

B. Any costs incurred by the Health Department in securing property or abating the condition of the property may be collected by any appropriate legal remedy. These costs may be assessed against the property, the persons to whom the order was directed, and the owners of the property upon which the cost was incurred.

C. Notice of costs incurred shall be sent by first class and certified mail to the owners of the property upon which the costs are assessed or other persons against whom the costs are charged. The Health Officer may modify the amount, methods, or time of payment of such costs upon considering the condition of the property and the circumstances of the person violating the provisions of this chapter. In determining any such modification, the costs may be reduced against an individual who has acted in good faith and would suffer extreme financial hardship.

2.60.090 Violations and civil penalties.

A. *Violations.*

1. Violations of this chapter may be addressed through a civil penalty as provided in subsection (B) of this section.

2. Each violation of this chapter shall be a separate and distinct offense.

3. Any property that is declared contaminated or unfit for use is an unlawful public nuisance.

4. Once the order has been issued, the city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property, pursuant to RCW 64.44.040.

B. *Civil Penalties.*

1. Violators of the provisions of this chapter shall be assessed a monetary penalty as provided for in the following section.

2. The following are considered violations of the provisions of this chapter:

a. *Occupying or Permitting Occupation of Property Declared Contaminated.* Any person who occupies or permits or authorizes the occupation of any property ordered vacated pursuant to this chapter, Chapter 64.44 RCW, or Chapter 246-205 WAC shall be assessed a monetary penalty of $100.00 per day;

b. *Removing or Allowing to Be Removed Property Declared Contaminated.* Any person who removes or allows to be removed any property declared contaminated pursuant to this chapter, Chapter 64.44 RCW, or Chapter 246-205 WAC shall be assessed a monetary penalty of $250.00 per item removed. The removal of a trailer, vehicle or boat shall be assessed a monetary penalty of $1,000 per occurrence;

c. *Removing, Destroying, Defacing, or Obscuring a Notice.* Any person who removes, destroys, defaces, obscures or otherwise tampers with any notice posted pursuant to this chapter, Chapter 64.44 RCW, or Chapter 246-205 WAC shall be assessed a monetary penalty of $250.00;

d. *Obstructing Employees or Agents of Health Department.* Any person who obstructs any enforcement officer, employee or agent of the Health Department carrying out the duties prescribed in this chapter, Chapter 64.44 RCW, or Chapter 246-205 WAC shall be assessed a monetary penalty of $250.00;

e. *Failure to Comply with Decontamination Requirements.* Any person who violates the decontamination requirements (SCBHC 2.60.060), unless otherwise authorized by the Health Officer, shall be assessed a monetary penalty of $250.00;

f. *Failure to Report Contamination.* If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned and subsequently fails to report possible contamination to the Health Officer upon gaining such knowledge, shall be assessed a monetary penalty of $100.00.

2.60.100 Notice and order to correct violation.

A. *Issuance.* Whenever the Health Officer determines that a violation of this chapter has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing, or participating in the violation.

B. *Content.* The notice and order to correct violation shall contain:

1. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;

2. The street address or description sufficient for identification of the property upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the provision of this chapter that has been violated;

4. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;

5. A statement that each violation of this chapter shall be a separate and distinct offense; and

6. A statement that the enumerated violations cited per subsection (B)(3) of this section have resulted in the issuance of civil penalties as described in SCBHC 2.60.090(B).

C. *Service of Order.* The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the notice and order to correct violation by first class and certified mail postage prepaid, return receipt requested, to such person at his/her last known address.

D. *Extension.* Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

E. *Supplemental Order to Correct Violation.* The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violation procedures contained in this chapter.

F. *Enforcement of Notice and Order to Correct Violation.* If, after any notice and order to correct violation is duly issued by the Health Officer, the person to whom such notice is directed fails, neglects, or refuses to obey such notice, the Health Officer may:

1. Cause such person to be prosecuted under this chapter; and/or

2. Institute any appropriate action to collect a penalty assessed under this chapter; and/or

3. Abate the health violation using the procedures of this chapter; and/or

4. Pursue any other appropriate remedy at law or equity under this chapter.

Division V. Smoking in Public Places, Places of Employment and Other Related Matters

Chapter 2.70
LOCAL SUPPLEMENTAL DEFINITION PROVISIONS RELATIVE TO CHAPTER 70.160 RCW

Sections:

2.70.010 Adoption by reference of Chapter 70.160 RCW.
2.70.020 Authority and purpose.
2.70.030 Definitions.

2.70.010 Adoption by reference of Chapter 70.160 RCW.

Under Chapter 70.05 RCW, the Snohomish County Board of Health hereby adopts and incorporates by reference Chapter 70.160 RCW, known as Smoking in Public Places (SIPP), as now or hereafter amended.

2.70.020 Authority and purpose.

Under Chapters 70.05 and 70.160 RCW, and for the sake of clarity in the application of Chapter 70.160 RCW, the Snohomish County Board of Health adopts and incorporates local supplemental definitions relative to certain terminology found in Chapter 70.160 RCW. “Smoke” or “smoking,” “public place,” “place of employment,” “employer,” and “employee” shall be defined as provided in SCBHC 2.70.030.

2.70.030 Definitions.

“Employee” means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this chapter.

“Employer” means any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect

monetary wages, profit or provides any other benefit in consideration for such other person's providing services on the premises of the employer. "Employer" shall also mean the owner(s), shareholders or member(s) respectively of a sole proprietorship, corporation or limited liability corporation, association, nonprofit organization, or other business entity.

"Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. "Place of employment" also means an outdoor venue or workspace that is adjacent to or enjoined with a business enterprise or work environment where employees are required to pass through during the course of employment; including but not limited to food/drink service areas such as on decks or outdoor areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Public places include, but are not limited to: schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than 75 percent of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence. "Public place" also means any public or private place that is open to the general public regardless of whether dues, cover charges or a fee is charged or there are restrictions such as an age requirement for the privilege of admission, and includes any place used by a membership association or club at which nonmember guests are present or permitted. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public. A public place does not include a private residence unless the private residence is used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises.

"Smoke" or "smoking" means the carrying, use or smoking of any kind of lighted, combustible, smoldering, or burning cigarette, pipe, cigar or other lighted smoking equipment including but

not limited to tobacco, flavored tobacco products such as shisha (used with hookah smoking), or marijuana.

Chapter 2.75
RESTRICTIONS ON THE USE AND AVAILABILITY OF VAPOR PRODUCTS

Sections:

2.75.010 Title – Authority – Purpose – Applicability.
2.75.020 Findings.
2.75.030 Definitions.
2.75.040 Vaping prohibited in public places or places of employment.
2.75.050 Required signage.
2.75.060 Vaping prohibited within 25 feet of public places or places of employment – Application to modify presumptively reasonable minimum distance.
2.75.070 Enforcement procedures.

2.75.010 Title – Authority – Purpose – Applicability.

A. *Title.* The full title of this chapter is "Restrictions on the Use and Availability of Vapor Products in Snohomish County" which is codified as Chapter 2.75 SCBHC and it shall be known as the Vapor Product Code of the Snohomish County Board of Health.

B. *Authority.* The Snohomish County Board of Health adopts this chapter under Chapter 70.05 RCW to preserve, promote, and improve the public health.

C. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for public exposure to nicotine, other drugs, and potentially harmful chemicals and by restricting sales of vapor products to reduce access and use by minors. This chapter establishes additional requirements for assessment of costs and enforcement of the same.

It is expressly the purpose of this chapter to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

D. *Applicability.* This chapter applies to the prohibition of use of vapor products in public places and places of employment.

Except to the limited extent of SCBHC 2.75.040 and 2.75.060, this chapter does not apply to any person or business that is licensed or endorsed for sales of recreational marijuana or medical marijuana by the state of Washington and/or the Washington State Liquor and Cannabis Board.

These regulations supplement but do not replace the regulations enacted by the state of Washington and enforced by the Liquor and Cannabis Board regarding the licensure and regulation of vapor product promotions and sales at retail establishments or the regulations adopted by the Food and Drug Administration.

2.75.020 Findings.

Vapor products, including e-cigarettes, vape pens, electronic drug delivery devices, and other devices, heat a solution typically containing nicotine, flavorings, solvents, and other chemicals into an aerosol that users inhale. The availability and use of vapor products has dramatically increased in recent years, nationally and locally.

Vapor products containing nicotine are commonly marketed as a preferred alternative to smoking tobacco despite many unanswered questions about product safety, efficacy for harm reduction and cessation, and overall impact on public health.

Vapor products have a high appeal to youth and use is rapidly increasing among teens and young adults, including among those who have never smoked cigarettes or used other tobacco products. Inhalation of nicotine can cause adverse effects on adolescent brain development, lead to addiction to nicotine, and potentially lead to increased smoking.

Nicotine is a highly addictive drug and nicotine exposure, firsthand or passively, can adversely impact maternal and fetal health during pregnancy, and adversely impact adolescent brain development. Concentrated nicotine solutions used in vapor products can cause poisonings or death if ingested or absorbed through the skin, especially in children.

The chemical ingredients of solutions used in vapor products are not standardized or regulated, and neither manufacturers nor retailers are required to disclose chemical content. Consumers have no way of determining exactly what substances they are inhaling or what the health consequences of such inhalation might be. Scientific analysis, including by the United States Food and Drug Administration, shows vapor products release fine and ultrafine particles of solvents, flavorings, and chemical byproducts produced in the heating process that can include carcinogens, heavy metals, and other hazardous chemicals. Adverse health consequences may result from direct or passive exposure to this unknown mixture of potentially harmful chemicals, especially in vulnerable populations including children, pregnant women, and individuals with compromised lung function.

Vapor products are commonly used to inhale marijuana or THC concentrates, and may be used to inhale illegal drugs. Enforcement of state law prohibiting use of marijuana in public places and laws against use of illegal drugs is complicated by the use of vapor products in public places because property owners and others cannot discern the substance being inhaled.

Under Chapter 70.05 RCW, local jurisdictions are not only responsible to enforce the public health statutes of the state but are also charged with the duty and empowered to enact such local rules and regulations as are necessary in order to prepare, promote and improve the public health within its jurisdiction.

2.75.030 Definitions.

"Employee" means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this chapter.

"Employer" means any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect monetary wages, profit or provides any other benefit in consideration for such other person's providing services on the premises of the employer. "Employer" shall also mean the owner(s), shareholders or member(s) respectively of a sole proprietorship, corporation or limited liability corporation, association, nonprofit organization, or other business entity.

"Indoor public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and includes a presumptively reasonable minimum distance, as set forth in SCBHC 2.75.060, of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Public places include, but are not limited to: schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than 75 percent of the sleeping quarters within a hotel or motel that are rented to guests. An indoor public place does not include a private residence.

"Indoor public place" also means any public or private place that is open to the general public regardless of whether dues, cover charges or a fee is charged or there are restrictions such as an age requirement for the privilege of admission, and includes any place used by a membership association or club at which nonmember guests are present or permitted.

This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public. An indoor public place does not include a private residence unless the private residence is used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises.

"Minor" means any person under the age defined pursuant to RCW 26.28.080, as currently exists or as hereafter may be amended, for selling or giving a vapor product to a minor.

"Outdoor public place" means a social space that is open and accessible to the public, but located outside of buildings.

"Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in SCBHC 2.75.060, of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. "Place of employment" also means an outdoor venue or workspace that is adjacent to or enjoined with a business enterprise or work environment where employees are required to pass through during the course of employment; including but not limited to food/drink service areas such as on decks or outdoor areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

"Vaping" means the use of a vapor product, or inhaling of vapor or aerosol from a vapor product.

"Vapor product" means any: (1) device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or (3) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. "Vapor product" includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, steam stones, or similar products or devices, as well as any parts that can be used to build such products or devices. "Vapor product" does not include any drug, device, or combination product approved for sale by the United States Food and Drug Administration that is marketed and sold for such approved purpose.

2.75.040 Vaping prohibited in public places or places of employment.

A. No person may use a vapor product in an indoor public place or in any place of employment except for the purpose of tastings under RCW 70.345.100.

B. No person may use a vapor product in any outdoor public place where children congregate. This includes, but is not limited to, real property that is under the control of child care facilities or schools, playgrounds, parks, beaches, athletic fields, and stadiums.

2.75.050 Required signage.

A. Owners, or in the case of a leased or rented space the lessee or other person in charge, shall prohibit the use of vapor products in public places and places of employment and shall post signs prohibiting the use of vapor products. Signs must be posted conspicuously at each building entrance. Signs prohibiting vaping may be combined with signs prohibiting smoking, such as “No Smoking. No Vaping” or “No Smoking or Vaping.”

2.75.060 Vaping prohibited within 25 feet of public places or places of employment – Application to modify presumptively reasonable minimum distance.

Use of vapor products is prohibited within a presumptively reasonable minimum distance of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where use of vapor products is prohibited so as to ensure that vapor does not enter the area through entrances, exits, open windows, or other means. Owners, operators, managers, employers, or other persons who own or control a public place or place of employment may seek to rebut the presumption that 25 feet is a reasonable minimum distance by making application to the director of the local health department in which the public place or place of employment is located. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the unique circumstances presented by the location of entrances, exits, windows that open, ventilation intakes, or other factors, vapor will not infiltrate or reach the entrances, exits, open windows, or ventilation intakes or enter into such public place or place of employment and, therefore, the public health and safety will be adequately protected by a lesser distance.

2.75.070 Enforcement procedures.

A. The Snohomish County Health Department is authorized to enforce the restrictions and requirements of this chapter; assess all costs of enforcement against the person or entity who is in noncompliance in accordance with SCBHC 1.05.030; and otherwise pursue compliance with this chapter.

B. The Health Officer or designee may enforce the requirements and restrictions of this chapter by one or a combination of the following by the issuance of a written order:

1. Requiring an informal administrative conference;

2. Prohibiting certain conduct or directing certain conduct;

3. Imposing a civil fine of up to $100.00 for each violation. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

The Health Officer or designee is authorized to pursue civil fines and costs by commencement of civil action independent of and/or as a means of enforcing written orders of the Health Officer referenced above.

Title 3
PUBLIC SERVICES

Chapters:

3.05 Recreation Camping Facilities
3.10 Mobile Home Parks
3.15 Group Camp Regulations
3.20 Schools

Chapter 3.05
RECREATION CAMPING FACILITIES

Sections:

3.05.010 Recreational vehicle dump station regulations.
3.05.020 Buildings provided for camping.

3.05.010 Recreational vehicle dump station regulations.

Rules and regulations of the Snohomish County Board of Health governing on-site sewage disposal policies and procedures:

A. To protect public health, the Board of Health requires that all new or expanded RV facilities provide RV dump station facilities.

B. To protect public health, the Board of Health requires that all new, expanded, or repaired RV dump station facilities be connected to an approved sanitary sewer system or utilize holding tanks in accordance with the rules and regulations of the Snohomish County Health Department.

3.05.020 Buildings provided for camping.

Buildings provided for camping must meet the applicable physical site improvements, water supply, sewage disposal, and sanitary facilities as required per Chapter 3.15 SCBHC, as well as applicable building codes.

Chapter 3.10
MOBILE HOME PARKS

Sections:

3.10.010 Definitions.
3.10.020 Sewage disposal.
3.10.030 Water supply.
3.10.040 Refuse disposal.
3.10.050 General sanitation.
3.10.060 Mobile home park providing recreation camping facilities.

3.10.010 Definitions.

The following definitions shall apply in the interpretations and the enforcement of this chapter.

"Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

3.10.020 Sewage disposal.

All sewage and waste water from a mobile home park shall be drained to a sewage disposal system which is approved by the Health Officer. Sewage disposal systems shall be designed, constructed and maintained in accordance with Chapters 246-272 and 173-240 WAC and local regulations.

3.10.030 Water supply.

Any public water supply system, as defined in Chapter 246-290 WAC, which provides water for a mobile home park shall be designed, constructed, maintained and operated in accordance with Chapter 246-290 WAC.

3.10.040 Solid waste disposal.

All garbage, refuse and/or trash in a mobile home park shall be collected, stored and disposed of in accordance with Chapter 70A.205 RCW, Chapter 173-350 WAC, and Chapter 2.15 SCBHC.

3.10.050 General sanitation.

The premises of a mobile home park shall be maintained and operated in compliance with all provisions of the health code.

3.10.060 Mobile home park providing recreation camping facilities.

Any mobile home park which provides recreation camping facilities must also be in compliance with Chapter 3.05 SCBHC, Recreation Camping Facilities.

Chapter 3.15
GROUP CAMP REGULATIONS

Sections:

3.15.010 Chapter 246-376 WAC.

3.15.010 Chapter 246-376 WAC

This section adopts Chapter 246-376 WAC, Camps, by reference, as now or hereafter amended.

Chapter 3.20
SCHOOLS

Sections:

3.20.010 Chapter 246-366 WAC.

3.20.010 Chapter 246-366 WAC.

This section adopts Chapter 246-366 WAC, Primary and Secondary Schools, by reference, as now or hereafter amended.

Title 4
WATER

Chapters:

Division I. Water Recreation Facilities

4.05 Rules and Regulations of the State Board of Health for Water Recreation Facilities
4.10 Rules and Regulations of the State Board of Health for Recreational Water Contact Facilities
4.15 Water Recreation Facility Enforcement Procedures

Division II. Drinking Water

4.25 Drinking Water Rules and Regulations
4.31 Rainwater Catchment Systems
4.35 Water Quality Standards
4.40 Drinking Water Rules and Regulations – Arsenic Testing

Division I. Water Recreation Facilities

Chapter 4.05
RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR WATER RECREATION FACILITIES

Sections:

4.05.010 Chapter 246-260 WAC.
4.05.020 Water recreation facilities emergency equipment.
4.05.030 Fresh water public swimming beach regulations.

4.05.010 Chapter 246-260 WAC.

This section adopts Chapter 246-260 WAC, Water Recreation Facilities, by reference.

4.05.020 Water recreation facilities emergency equipment.

Rules and regulations of the Snohomish County Board of Health governing water recreation facilities. Modification of the requirements of Chapter 246-260 WAC, Water Recreation Facilities, for emergency equipment:

The Snohomish County Board of Health does modify the requirements of WAC 246-260-041(11)(b) and WAC 246-260-051(5)(b) to require provision of either:

A. A telephone within one minute access; or

B. Alternate means for reaching emergency medical service response numbers in all limited use swimming pool and spa facilities; and

C. Provision of an audible emergency alarm to alert others at area of need to respond.

4.05.030 Fresh water public swimming beach regulations.

The Snohomish County Board of Health finds that there is sufficient risk of illness, including illness caused by E. coli 0157:H7, associated with swimming at fresh water beaches to enact these regulations. Under the authority of RCW 70.05.060, 70.05.070 and 70.90.125, the Board of Health of Snohomish County does extend the requirements of WAC 246-260-180, Bathing Beaches, to require the following:

Public bathing beaches are a type of water recreation facility designated for swimming in natural waters. The operator of any fresh water public bathing beach within Snohomish County, including its incorporated cities and towns, shall be responsible for implementing these regulations.

Fresh water public bathing beaches operated by any city, town or other governmental or private entity within Snohomish County shall, at a minimum:

A. Make written educational material easily available for users of the public bathing beach, stating that Snohomish County Health Department recommends the following:

1. Persons with an infectious illness, including vomiting or diarrhea within the past seven days, should not enter the beach waters.

2. Persons should shower thoroughly before entering the beach waters.

3. Children who are not toilet trained should not enter the water.

4. Small children should be taken on frequent bathroom breaks to avoid contamination of the beach water.

5. All persons, including children, should thoroughly wash hands with soapy water after using the restroom or changing diapers and before entering the beach water.

6. All persons, especially children, should be careful not to swallow any beach water.

7. Swimmers should wash their hands and face thoroughly with soapy water after swimming and before eating or preparing food.

8. Pets should not be allowed in the public bathing beach waters or nearby inflowing streams and should be kept on a leash at all times. Pet droppings should be immediately collected by the owner and disposed of in a sanitary manner.

9. Waterfowl should not be fed or otherwise encouraged to be in the public bathing beach area.

B. Provide easily visible signs at all times at the beach, stating the following:

The swimming waters at this beach are not treated to control spread of disease. Swimming beach water, if swallowed, can sometimes cause illness because of bacteria, viruses or parasites in the water. All beach users should follow bathing beach recommendations to prevent contamination of the water and should avoid swallowing of any beach water.

Written educational materials and signage shall be in such language(s) as determined to be appropriate for the users of the public bathing beach.

Fresh water public bathing beaches operated by any city, town, or other governmental or private entity within Snohomish County shall attempt to place restrooms and handwashing facilities in a location convenient to the public bathing beach.

By July 1, 2000, Snohomish County Health Department shall meet with governmental and private entities to specifically identify beaches to which the regulations shall apply.

Chapter 4.10
RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR RECREATIONAL WATER CONTACT FACILITIES

Sections:

4.10.010 Chapter 246-262 WAC.

4.10.010 Chapter 246-262 WAC.

This section adopts Chapter 246-262 WAC, Recreational Water Contact Facilities, by reference.

Chapter 4.15
WATER RECREATION FACILITY ENFORCEMENT PROCEDURES

Sections:

4.15.005 Authority.
4.15.010 Inspection frequency – Form.
4.15.020 Types of enforcement actions.
4.15.030 Office conference for water recreation facilities.
4.15.040 Mandatory training.
4.15.050 Permit suspension of water recreation facilities.
4.15.060 Water recreation facility closures– Lack of valid permit.
4.15.070 Revocation of permit(s).

4.15.005 Authority.

The authority for this chapter is provided under Chapter 70.90 RCW; Chapter 246-260 WAC, Rules and Regulations of the State Board of Health for Water Recreation Facilities; and Chapter 246-262 WAC, Recreational Water Contact Facilities.

4.15.010 Inspection frequency – Form

A. *Inspection Frequency.* Water recreation facilities will generally be inspected three times a year. Facilities operated on a seasonal basis (less than six months annually) will be inspected at least twice during their season. Facilities with identified problems may be subject to more frequent inspections.

B. *Inspection Form.* Snohomish County Health Department form titled “Water Recreation Facility Inspection Report” or the Department of Health form titled “Water Recreation Facility Inspection Form” will be used.

4.15.020 Types of enforcement actions.

Types of enforcement actions for water recreation facilities include:

A. *Office Conference.* A conference, in lieu of Water Recreation Facility Operating Permit (permit) suspension.

B. *Mandatory Training.* Requiring the Water Recreation Facility owner or authorized representative to participate in training to improve basic skills for operating pools.

C. *Permit Suspension.* By suspension of the permit.

D. *Closure for Lack of Permit.* By Health Officer's order when a valid permit does not exist.

E. *Permit Revocation.* By revocation of the permit.

4.15.030 Office conference for water recreation facilities.

A. *Reasons For An Office Conference.* When an inspection indicates the presence of ongoing or repeated violations of the water recreation facilities regulations, Chapters 246-260 and 246-262 WAC, an office conference may be scheduled.

B. *Fee Required.* An office conference shall be accompanied by payment of a fee as established by the Board of Health in the fee schedule, provided in chapter 1.40 SCBHC.

1. The problems identified during the inspection will be reviewed with the operator and/or owner who will be advised that subsequent findings of a like nature will result in permit suspension.

2. Each owner will be allowed one office conference, the purpose of which will be educational and instructional in nature, in lieu of automatic permit suspension.

3. Office conferences may be followed by additional inspections beyond the routine inspection schedule as established by the Safe Environments Section Supervisor.

4.15.040 Mandatory training.

Owners of water recreation facilities may be required to complete mandatory training for the following reason(s):

Failure to Demonstrate Knowledge. When an inspection indicates the presence of ongoing or repeated violations of the water recreation facilities regulations, Chapters 246-260 and 246-262 WAC, related to the operation and maintenance of the pool, mandatory training may be required. If the owner fails to identify the correct water chemistry parameters such as acceptable pH range and disinfectant levels as well as failing to know how to document the results of required water testing the owner or operator may be required to attend a Certified Pool Operator (CPO) or equivalent training approved by the Washington State Department of Health within a timeframe determined by the Health Officer.

4.15.050 Permit suspension of water recreation facilities.

A. *Reasons For Permit Suspension*. Permits for water recreation facilities shall be suspended for any of the following reasons:

1. *Immediate Health or Safety Hazard.* When an immediate health or safety hazard exists for which there are no appropriate corrective remedies other than closure of the water recreation facility. Examples are: electrical power outage; lack of lighting; lack of potable water supply; sewer back-up into public or water contact areas; lack of required safety devices; gross chemical or physical contamination of the water; incidence of acute human illness or severe injury directly attributed to the water recreation facility.

2. *Potential Health Hazard.* When any of the operational support capabilities are not sufficient to prevent existence of a potential health hazard and no immediate remedy exists other than closure of the water recreational facility. Examples are: malfunctioning water filtration and/or disinfection equipment, methods, processes, or procedures; malfunctioning water heating equipment; chemical disinfectant, water pH, or water turbidity not within limits required in Chapters 246-260 and 246-262 WAC; bacteria count exceeding safe limits and operational causes remain uncorrected.

3. *Ongoing and Repeated Violations.* When there exists ongoing and repeated violations of water recreation facilities regulations, Chapters 246-260 and 246-262 WAC, of a nature and severity to warrant enforcement action, and when reasonable effort has been made to achieve voluntary compliance.

B. *Procedures for Suspension of Water Recreation Facility Permits*

1. *Existing Immediate Health or Safety Hazard.* When the Environmental Health Specialist determines that an immediate health or safety hazard exists, the Specialist will note the specific violations on the inspection form and state on the form that the pool(s) and/or spa(s) or the entire water recreational facility is closed, and deliver the form to the person in charge of the water recreation facility. The applicable signs indicating the notice of

closure shall be posted by the Specialist at the entrances to the pool(s) and/or spa(s) or the entire facility.

2. *Existing Potential Health Hazard.* When the Environmental Health Specialist determines that a potential health hazard exists, the Specialist will note the specific violations on the inspection form and state on the form that the pool(s) and/or spa(s) or entire water recreational facility is closed, and deliver the form to the person in charge of the water recreation facility. The applicable signs indicating the notice of closure shall be posted by the Specialist at the entrances to the pool(s) and/or spa(s) or to the entire facility.

3. *Ongoing and Repeated Violations.* The decision to close a water recreation facility for ongoing and repeated violations will be made by the Environmental Health Specialist and confirmed by a member of the Environmental Health supervisory staff. The Specialist will state the specific repeat violations on the inspection form and state on the form that the pool(s) and/or spa(s) or the entire water recreational facility is closed, and deliver the form to the person in charge of the water recreation facility. The applicable signs indicating the notice of closure shall be posted by the Specialist at the entrances to the pool(s) and/or spa(s) or to the entire facility.

C. *Procedures for Reinstatement of Water Recreation Facility Permits.*

1. *Notice to SCHD.* The water recreation facility permit holder will notify SCHD by telephone or in writing that: the violations causing the permit suspension have been corrected; that if applicable that there has been sufficient treatment time for one complete turnover of the questioned facility water; the water's quality has reached satisfactory levels as outlined in Chapters 246-260 and 246-262 WAC; and that all noted safety hazards have been eliminated.

2. *Reinspection.* The SCHD will arrange for reinspection as soon as possible after notification from the permit holder. Closures resulting from chemical and water quality violations may possibly not be allowed to reopen the same day as the permit suspension, dependent upon correction of the deficiencies and the passage of sufficient treatment time. Mechanical or nonchemical/water quality violations resulting in closure may be subject to reinspection the same day as the permit suspension provided the violation is satisfactorily abated.

3. *Reinspection Fee.* A reinspection fee, as established by the Board of Health, will be charged to each permitted facility after the facility permit has been suspended. Payment must be received in the SCHD's Environmental Health Division office no later than the close of business on the first business day following the closure or the permit will be considered invalid and the facility subject to SCBHC 4.15.060.

D. *Appeals.* Appeals shall be conducted in accordance with chapter 1.20 SCBHC.

4.15.060 Water recreation facility closures – Lack of valid permit.

A. *Reasons For Water Recreation Facility Closures*. Water recreation facilities shall be closed for any of the following reasons:

1. Failure to obtain a water recreation facility operating permit.

2. Failure to renew a water recreation facility operating permit within the permit renewal time.

B. *Procedures.*

1. *Health Officer's Order.* Closure of a water recreation facility lacking a valid water recreation facility operating permit shall be accomplished through issuance of a Health Officer's order, said order to be delivered to the facility operator and mailed to the owner of the facility by both regular and certified mail. Notice by mail will be considered acceptable if the order cannot be delivered to the facility.

2. *Application to Reopen.* A water recreation facility closed due to lack of a valid water recreation facility operating permit may be opened upon payment of the requisite fee and obtaining such permit.

4.15.070 Revocation of permit(s).

A. *Reasons For Revocation of Permit(s).*

1. *Serious and/or Repeated Violations.* When enforcement efforts for water recreation facilities have failed and serious and/or repeated violations of Chapters 246-260 and 246-262 WAC continue, and such violations represent a serious public health hazard or represent continued poor sanitary and safety practices of a serious nature, the permit may be revoked by the Health Officer or Health Officer's designee.

2. *Interference with Environmental Health Staff.* When water recreation facility staff have prevented inspection activities or otherwise interfered in the performance of duty of Snohomish County Health Department staff, the permit may be revoked by the Health Officer or Health Officer's designee.

3. *Operation in Defiance.* Water recreation facilities that continue to operate without a valid permit and in defiance of a permit suspension shall be subject to permit revocation for a period of not less than five days.

B. *Procedures.*

1. Administrative Review. The Health Officer or Health Officer's designee will not revoke a water recreation facility operating permit until an opportunity has been provided for an administrative review before the Health Officer or Health Officer's designee. Written notification of the review, including the time and place of the review , shall be made to the permit holder within 30 days of the last inspection or field visit relative to the action. The Health Officer or Health Officer's designee shall make a final finding based upon the complete administrative review and shall sustain, modify or rescind any notice or record considered in the review. A written report of the review decision shall be furnished to the holder of the permit by the Health Officer or Health Officer's designee within 15 days of the conclusion of the review.

2. *Health Officer's Order.* Water recreation facility permits shall be revoked through issuance of a Health Officer's order, said order shall be served in accordance with service of notice procedures in chapter 1.05.060 SCBHC. The Health Officer's Order for the revocation of a water recreation facility permit shall be subject to appeal procedures in chapter 1.20 SCBHC.

3. *Application for New Permit.* A permit holder whose water recreation facility operating permit has been revoked may make written application and pay fee for the purpose of obtaining a new permit. A review will be provided before the Health Officer or Health Officer's designee to determine if a new permit should be issued.

Division II. Drinking Water

Chapter 4.25
DRINKING WATER RULES AND REGULATIONS

Sections:

4.25.010 Authority and purpose.
4.25.030 Definitions.
4.25.040 Individual water supplies – Assessments, policies, and procedures.

4.25.010 Authority and purpose.

A. *Authority.* These rules and regulations are established by the Snohomish County Board of Health pursuant to its authority under RCW 70.05.060.

B. *Purpose.* These rules and regulations are adopted for the protection of public health through the establishment of minimum drinking water standards.

Furthermore, these regulations are intended to allow and support the Snohomish County Health Department (SCHD) in carrying out the responsibilities and duties contained in Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5.

It is the specific intent of these rules and regulations to place the obligation of compliance upon the owner of an individual water system. Nothing contained in these rules and regulations shall be construed to prevent the Health Officer from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a safe and sanitary condition.

4.25.030 Definitions.

In addition to the definitions found in Chapter 4.35 SCBHC, Section 2 of the Guidelines for Determining Water Availability for New Buildings, Ecology Publication 93-27, April 1993, and Chapter 173-160 WAC, the following shall apply:

"Adequate" means meeting the source siting, construction, quantity requirements, and standards of these procedures.

"Individual water supply (IWS)" consists of one source serving one single-family residence or one source serving two single-family residence structures or units and is exempt from the State Board of Health Drinking Water Regulations, Chapter 246-291 WAC.

"Potable" means meeting the water quality parameters as established in these procedures.

4.25.040 Individual water supplies – Assessments, policies, and procedures.

In accordance with state and local regulations, the Snohomish County Health Department (SCHD) performs assessments of proposed and existing individual water supplies (IWSs) for adequacy and potability. These assessments are for the purposes of establishing proof of adequate and potable water as a part of the approval process for subdivisions, building permits and/or issuance of permits for installation of on-site sewage disposal systems. Furthermore, assessments are requested in response to inquiries received from individuals, agencies, and other entities seeking information regarding IWSs.

The following procedures are established pursuant to Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5, prescribing minimum requirements, standards, and procedures for assessment and use of IWSs, prescribing data to be disclosed to the Environmental Health Division concerning the use of IWSs and setting forth the information to be furnished to the Environmental Health Division prior to response by SCHD to any request for assessment of a particular IWS.

A. *Assessments for Determining Water Availability and Acceptance for New Buildings.* As applicable to RCW 19.27.097, and/or issuance of permits for installation of on-site sewage disposal systems for new residences shall include the following:

1. SCHD approval of "Application for an Individual Water Supply Site Inspection." Site criteria as established in Chapter 173-160 WAC and Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5.

2. SCHD approval of "Request for Review: Individual Water Supply" including the following minimum submittals:

a. Signed declaration of applicant;

b. Copy of water well report (well drillers log) verifying well construction per Chapter 173-160 WAC;

c. Documentation of well yield testing per WAC 173-160-345(1) sufficient in detail to demonstrate a minimum 400 gallons per day per residential connection;

d. Satisfactory results of a bacteriological analysis; and

e. Satisfactory results of inorganic chemical analyses for the following: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, sodium, fluoride, and nitrate.

3. For IWSs consisting of more than one single-family residential connection the following must be provided in addition to subsections (A)(1) and (A)(2)of this section: recorded declaration of water use agreement(s), easement(s), and restriction(s) including the following minimum information:

a. Identification of the supply as an individual water supply;

b. Description of system management and ownership;

c. Identification of the property or properties served; and

d. Recognition of system restrictions as determined by SCHD.

4. For IWSs consisting of more than one single-family residential connection where the structures served do not exist on the same property the following must be provided in addition to subsections (A)(1) through (A)(3) of this section: SCHD approval of "Application for an Individual Water Supply Site Inspection" demonstrating potential well sites on each of the two properties. Site criteria as established in Chapter 173-160 WAC and Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5.

B. *Operational Checks.* Assessments of water supply source quality in response to "Request for Report on an Individual Water System" will include SCHD testing of water quality parameters as established in subsections (A)(2)(d) and (A)(2)(e) of this section.

C. *Determining Maximum Contaminant Level (MCL) Violations for an IWS.*

1. Coliform bacteria are not to exceed one per 100 milliliters for any sample tested using the membrane filter method; nor are there to be any present using the presence/absence method of testing.

2. The presence of any tested primary contaminant measured above the MCL, as defined in WAC 246-290-310, shall make that water supply initially unacceptable and subject to further sampling and testing to determine whether an MCL violation has occurred.

a. Three samples must be taken at the well. Prior to the taking of each sample, either a quantity of water equal to three well volumes for drilled wells or two well volumes for dug wells, pumped at the well's measured production rate, must be pumped.

b. The water must be tested for the same contaminant(s) found in excess of the MCL in the initial sample and the results of the three samples will be averaged. The average of these three sample results will be used to determine if an MCL violation has occurred. If any single sample exceeds double the MCL, then the violation will be considered confirmed.

c. At least one of the three samples must be collected by SCHD personnel.

d. No two samples used for averaging may be collected on the same day. There shall be a minimum of 15 days between collection of the first and third samples used for averaging.

D. *Water Treatment.* Pursuant to these procedures, as well as other guidelines presently in effect, when evaluating test results for primary contaminants, the MCLs cannot be exceeded and be in compliance with RCW 19.27.097 as a potable water supply. However, RCW 19.27.097 and the Department of Ecology (DOE) guidelines have not provided specifics on the issue of treatment of such water to be in compliance with RCW 19.27.097. Therefore, for the sake of consistency in the evaluation by SCHD and to provide commonality of standards for applicants, as well as standards by which the Department of Planning and Development Services can consider the recommendations of the SCHD relative to the same, the following constitute what

the SCHD considers to be minimum acceptable standards for source treatment where primary contaminants exceeding MCLs are confirmed:

The SCHD shall provide to the Department of Planning and Development Services a recommendation of general compliance to the DOE guidelines and these procedures, even when test results for primary contaminants exceed the MCLs; provided, that an applicant has demonstrated satisfactory treatment and provided the following conditions have been or shall be met:

1. Water treatment must be installed at or before the point of entry and provide for whole house treatment.

2. Point of use treatment devices shall not be considered to satisfy the requirements of these procedures.

3. The treatment system must be capable of producing a minimum of 400 gallons of treated water per residential connection per day. However, a daily volume of less than 400 gallons per residential connection may be considered adequate if such a reduced volume is combined with appropriate conservation or storage measures rendering the additional volume unnecessary. The treatment system plan shall not allow the plumbing arrangement to bypass the treatment system.

4. Treatment proposals shall be designed by a state of Washington licensed professional engineer and shall at a minimum include:

    a. Expected yield of treated water.

    b. Locations at which treated water will be supplied.

    c. Other water quality parameters considered in the design of the treatment process.

    d. Minimum operation and maintenance requirements for the treatment process.

    e. Method of treatment process residuals management.

    f. Minimum ongoing testing requirements.

5. The applicant/property owner, prior to issuance of county building permit, is required to record with the Snohomish County Auditor a statement containing the common and legal address of the property, the property legal description and tax parcel number, as well as the present owner's name and containing, as a minimum, the following additional information:

    a. The parameter that is found in the violation of the MCL and being treated for.

b. The concentrations of the parameter that exceeds the established MCL, both before and after treatment.

c. The type of treatment process installed.

d. The expected yield of treated water, expressed in gallons per day.

e. Locations at which treated water is provided.

f. That the treatment device must be properly maintained, along with periodic sampling, to ensure continued safety of the water supply. (Note: Specific sampling frequency is to be set in accord with the designing engineer's recommendations, with a minimum of no less than once annually.)

g. A stated understanding and acknowledgment, by the property owner, that failure to sample and maintain the treatment system may result in adverse health effects to the users of the water supply and that any untreated water is considered unsafe for consumption.

h. The owner's obligation and responsibility to notify future property owners, heirs, successors, or tenants about the treatment device, proper maintenance and operations, sampling requirements, potential health risks, and most recent sample results of the water supply both before and after treatment.

i. That the SCHD may conduct a site visit within the first two years of occupancy for the purpose of collecting a sample of the treated water for analysis and to provide owner/occupant education relating to individual water supplies.

6. SCHD will charge fees for records maintenance, follow-up water testing, and owner education activities as set forth by the Board of Health in chapter 1.40 SCBHC.

7. All proposals for water treatment must be reviewed by SCHD for consistency with these policies and procedures. Furthermore, the applicant shall execute a statement which provides that any such review shall not constitute an endorsement by SCHD that such a treatment system in fact works, is reliable, or otherwise warranted or guaranteed to effectively treat the water to eliminate all health risks. In all respects, the applicant assumes full and complete responsibility and liability relative to the effectiveness, reliability and viability of a water treatment system.

E. *Lead Levels.* Pursuant to these procedures, as well as other guidelines presently in effect, when evaluating test results for contaminants, in the absence of an established MCL, the following evaluation procedure for lead levels in drinking water applies:

1. SCHD, in determining potability for compliance with the assessment procedures outlined in subsections (A) and (B) of this section, will apply the EPA "Action Level" of 0.015 mg/l.

2. For results in excess of 0.015 mg/l, the applicant is required to conduct additional testing to demonstrate that the source water is of adequate quality with lead levels less than 0.015 mg/l.

F. *Fluoride Levels.* Pursuant to these procedures, as well as other guidelines presently in effect, when evaluating test results for contaminants, the primary MCL of 4.0 mg/l for fluoride cannot be exceeded and be in compliance with the potability requirements outlined in subsections (A) and (B) of this section. For results in excess of 4.0 mg/l, subsections (C) and (D) of this section will apply. For fluoride analyses with results less than or equal to 4.0 mg/l and greater than 2.0 mg/l, the following evaluation procedures apply:

1. The procedures outlined in subsection (C) of this section will apply to determine the level.

2. Upon confirmation of the level as being within the 2.0 mg/l to 4.0 mg/l range, written notification will be sent to the applicant outlining the test results with attached toxics fact sheet for fluoride. Additionally, the notification will direct the applicant to sample quarterly for a two-year period to confirm stability of levels with reduced sampling frequency of one per year if stable within the 2.0 mg/l to 4.0 mg/l range.

3. The owner/applicant must notify future owners, heirs, successors, or tenants of the presence of fluoride in the drinking water and record the notification letter outlined in subsection (F)(2) of this section on the title of the property.

G. *Arsenic Levels.* Pursuant to these procedures, as well as other guidelines presently in effect, when evaluating test results for contaminants, the following additional procedures for arsenic apply:

1. For the purpose of these procedures the MCL for arsenic shall be 0.010 mg/l (10 parts per billion [ppb]).

2. For the purpose of satisfying subsection (D) of this section, treatment will only be considered for contaminant levels less than or equal to 0.150 mg/l (150 ppb).

3. For arsenic levels greater than 10 ppb and less than or equal to 50 ppb, compliance with subsection (D)(5) of this section is required prior to SCHD acceptance of the on-site sewage system "as-built" drawing for the structure to be served with treated water.

4. Subsections (D)(1), (D)(2) and (D)(3) of this section do not apply to arsenic levels less than or equal to 50 ppb.

5. In addition to the requirements listed in subsection (D) of this section, for individual water supplies with treatment to remove arsenic, the following U.S. Environmental Protection Agency "Health Effects Statement" shall be recorded onto the property title:

> Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer. (40 CFR 141.154(f) and 141.153(d)(6)).

6. For individual water supplies with arsenic detected at or below the MCL, a statement must be recorded onto the property title prior to issuance of building permit, containing at a minimum the following:

a. The results of each known arsenic analysis as well as any average used to determine compliance with the MCL.

b. That arsenic concentrations in groundwater can vary over time.

c. That there is variability in laboratory reporting.

d. The following U.S. Environmental Protection Agency (EPA) "Informational Statement":

> While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems. (40 CFR 141.154(b)(1)).

7. When averaging samples per subsection (C)(2) of this section, if any single sample exceeds 0.050 mg/L (50 ppb) arsenic then the MCL violation will be considered confirmed. Averaging per subsection (C)(2) of this section may be completed to determine the type of treatment required.

Chapter 4.31
RAINWATER CATCHMENT SYSTEMS

Sections:

4.31.010 Purpose.
4.31.020 Established.
4.31.030 Definitions.
4.31.040 Individual water supplies – Assessments, policies and procedures.

4.31.010 Purpose.

In accordance with state and local regulations, the Snohomish County Health Department (SCHD) performs assessments of proposed and existing individual water supplies (IWSs) for adequacy and potability. These assessments are for the purposes of establishing proof of adequate and potable water as a part of the approval process for subdivisions, building permits and/or issuance of permits for the installation of on-site sewage disposal systems. Furthermore, assessments are requested in response to inquiries received from individuals, agencies, and other entities seeking information regarding IWSs.

4.31.020 Established.

The following rules and regulations are established pursuant of the ordinance codified in this chapter, in order to: prescribe minimum requirements, standards, and procedures for assessment and use of rainwater catchment IWSs; prescribe data to be disclosed to the Environmental Health Division concerning the use of rainwater catchment IWSs; and to set forth the information to be furnished to the Environmental Health Division prior to response by SCHD to any request for assessment of a particular rainwater catchment IWS. Nothing contained in this process shall be construed to prevent the Health Officer from requiring compliance with more stringent requirements than those contained herein where such requirements are essential to maintain a safe and sanitary condition and to protect public health.

4.31.030 Definitions.

In addition to the definitions adopted by reference in SCBHC 4.35.010, found in Section 2 of the "Guidelines for Determining Water Availability for New Buildings"; Ecology Publication 93-27, April 1993; and Chapter 173-160 WAC, the following shall apply:

"Adequate" means meeting the design, construction, treatment, and quantity requirements of these procedures.

"Individual water supply (IWS)" consists of one rainwater catchment source serving one single-family residence, in compliance with the State Department of Ecology Policy 1017, "Water Resources Program Policy Regarding Collection of Rainwater for Beneficial Use," and is exempt from the State Department of Health (DOH) Drinking Water Regulations, Chapter 246-291 WAC.

"Potable" means meeting the water quality parameters as established in these procedures.

4.31.040 Individual water supplies – Assessments, policies, and procedures.

A. Assessments for determining water availability and acceptance for new buildings and/or issuance of permits for the installation of on-site sewage disposal systems for new residences includes the following:

1. SCHD approval of "Request for Review: Individual Water Supply" including the following minimum submittals:

a. Signed declaration of applicant;

b. An accepted rainwater collection and treatment design meeting all the requirements of subsection (B) of this section.

B. *Determining Maximum Contaminant Level (MCL) Exceedances for a Rainwater Catchment IWS.*

1. Coliform bacteria are not to exceed one per 100 milliliters for any sample tested using the membrane filter method; nor are there to be any present using the presence/absence method of testing.

2. The presence of any tested primary containment measured above the MCL, as defined in WAC 246-290-310, shall make that water supply initially unacceptable and subject to further sampling and testing to determine whether an MCL exceedance has occurred.

a. Three samples must be taken of the treated water.

b. The water must be tested for the same contaminant(s) found in excess of the MCL in the initial sample and the results of the three samples will be averaged. The average of these three sample results will be used to determine if an MCL exceedance has occurred. If any single sample exceeds double the MCL, then the violation will be considered confirmed.

c. At least one of the three samples must be collected by SCHD personnel.

d. No two samples used for averaging may be collected on the same day.

C. *Water Treatment – Required.* Pursuant to these procedures, as well as other guidelines presently in effect, when evaluating test results for primary contaminants, the MCLs cannot be exceeded and must be in compliance with RCW 19.27.097 as a potable water supply. However, RCW 19.27.097 and the Department of Ecology (DOE) guidelines have not provided specifics on the issue of treatment of such water to be in compliance with RCW 19.27.097. Therefore, for the sake of consistency in the evaluation by SCHD and to provide commonality of standards for applicants, as well as standards by which the Department of Planning and Development Services can consider the recommendations of the SCHD relative to the same, the following constitute what the SCHD considers to be minimum acceptable standards for treatment when a rainwater catchment system is proposed.

The SCHD shall provide to Department of Planning and Development Services a recommendation of general compliance with the DOE guidelines and these procedures for a rainwater catchment IWS; provided, that an applicant has demonstrated satisfactory treatment and provided all of the following conditions have been or shall be met:

1. Water treatment must be installed at or before the point of entry and provide for whole house treatment. Any supplied supplemental water must also be treated by the same system.

2. Point-of-use treatment devices shall not be considered to satisfy the requirements of these procedures.

3. The treatment system must be capable of producing a minimum of 350 gallons of treated water per residential connection per day to meet peak daily demands. However, a daily volume of less than 350 gallons per residential connection may be considered adequate if such a reduced volume is combined with appropriate conservation or storage measures rendering the additional volume unnecessary. The treatment system plan shall not allow the plumbing arrangement to bypass the treatment system.

4. Rainwater catchment and treatment proposals shall be designed by a State of Washington licensed professional engineer (P.E.) and shall at a minimum include:

a. A “water budget” detailing the expected quantities of rainwater to be stored and treated, expected consumptive use, and methods of supplementing potable water in case of shortages. The water budget must demonstrate a minimum of 200 gallons per day (GPD) as the long-term average daily demand. Data sources for expected precipitation must be provided.

b. Square footage of rainwater catchment area.

c. Type of all materials to be used in constructing the proposed rainwater catchment system. Wood and petroleum-based roofing materials are not allowed. All piping, storage tanks, and treatment system components shall be NSF or FDA approved for drinking water systems. Storage tanks shall be located above ground or designed by a P.E. All concrete tanks must be designed by a P.E.

d. Filtration and disinfection are required with a detectable disinfectant residual maintained. Treatment systems shall be designed to achieve a 99.99 percent (four-log) removal/inactivation of viruses, 99.9 percent (three-log) removal/inactivation of Giardia lamblia, and 99 percent (two-log) removal of Cryptosporidium.

e. Level of required disinfectant residual.

f. Expected yield of treated water.

g. Locations at which treated water will be supplied.

h. Other water quality parameters considered in the design of the treatment process.

i. Minimum operation and maintenance requirements for the treatment process.

j. Method of treatment process residuals management.

k. *Minimum Ongoing Testing Requirements.* To include, at a minimum, daily residual disinfectant monitoring, flow usage data collection, quarterly testing of those parameters listed in subsection (C)(8) of this section of these supplemental policies and procedures, as well as any additional possible contaminants identified by the design engineer.

l. Submittal of the Health Department "Individual Water System Treatment System" fee.

5. Prior to acceptance of a rainwater catchment proposal, the applicant/property owner is required to record with the Snohomish County Auditor, at the applicant/property owner's expense, a statement containing the common and legal address of the property, the property's legal description and tax parcel number, the present owner's name, and containing, as a minimum, the following additional information:

a. An identification of the water source for the residence as a rainwater catchment system.

b. A disclosure of the gallons per day flow that the system is expected to produce from rainwater catchment on an annualized basis.

c. The proposed source of water to be utilized in the event that the rainwater catchment system cannot produce the quantities needed.

d. The type of treatment process to be installed.

e. The expected yield of treated water, expressed in gallons per day.

f. Locations at which treated water will be provided.

g. That the treatment device will be properly maintained, along with periodic sampling, to ensure continued safety of the water supply. (Note: Specific sampling frequency is to be set in accordance with the designing engineer's recommendations, with a minimum of no less than quarterly.)

h. A stated understanding and acknowledgment by the property owner that failure to sample and maintain the treatment system may result in adverse health effects to the users of the water supply and that any untreated water is considered unsafe for consumption.

i. The owner's obligation and responsibility to conduct routine testing as required and to provide testing results to the Health Department upon request.

j. The owner's obligation and responsibility to notify future property owners, heirs, successors, or tenants about the treatment device, proper maintenance and operations, sampling requirements, potential health risks, and most recent sample results of the water supply both before and after treatment.

6. All proposals for rainwater catchment water systems shall be reviewed by SCHD for consistency with these policies and procedures. Furthermore, the applicant shall execute a statement which provides that any such review shall not constitute a warranty or endorsement by SCHD that such a collection and treatment system in fact works, is reliable, or otherwise warranted or guaranteed to effectively treat the water to eliminate all health risks. In all respects, the applicant assumes full and complete responsibility and liability relative to the effectiveness, reliability, and viability of a water treatment system.

7. Once approved by the SCHD, a rainwater catchment IWS proposal will remain valid for two calendar years from the date of written approval. Upon issuance of development permits for the associated single-family residence, the proposal will remain valid for the term of the development permit(s).

8. Prior to final approval of an on-site sewage disposal system installation and/or occupancy of the structure served by the water supply, the applicant/property owner is required to submit:

a. Signed declaration of applicant.

b. Satisfactory results of a bacteriological analysis.

c. Satisfactory results of inorganic chemical analyses for the following: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, sodium, fluoride, nitrate, and any other possible contaminants identified by the designing engineer as a required test parameter.

d. A signed statement from a P.E., stating that the system was installed/constructed according to the submitted design or with any changes from the design clearly identified. Changes that may affect the quality or quantity of treated water delivered may require submittal of additional design information.

Chapter 4.35
WATER QUALITY STANDARDS

Sections:

4.35.010 Standards.

4.35.010 Standards.

The Snohomish County Board of Health adopts the document entitled: "Interim Guidelines for Determining Water Availability for New Buildings," issued July 6, 1990, from the Washington State Department of Ecology, or the latest revision thereof (Guidelines for Determining Water Availability for New Buildings, April 1993), and subsequent state regulations adopted pursuant to such guidelines; and establishes the following fees:

A. *Application for an Individual Water Supply Site Inspection.* Refer to the current fee schedule in chapter 1.40 SCBHC for application fees.

B. *Application for Individual Water Supply Site Inspection, Concurrent with Application for On-Site Sewage Disposal Permit.* Refer to the current fee schedule in chapter 1.40 SCBHC for application fees.

Chapter 4.40
DRINKING WATER RULES AND REGULATIONS – ARSENIC TESTING

Sections:

4.40.010 Title and authority.
4.40.020 Purpose and policy declared.
4.40.030 Definitions.

4.40.040 Water analyses.
4.40.050 Water well reports.
4.40.060 On-site sewage disposal system permit.
4.40.080 Notification.
4.40.090 Waiver.

4.40.010 Title and authority.

These rules and regulations shall be known as "Drinking Water Rules and Regulations – Arsenic Testing" and are established pursuant to authority vested in the Snohomish County Board of Health by RCW 70.05.060. These rules and regulations are adopted for the protection of public health through the mechanism of arsenic sampling of water supplies.

4.40.020 Purpose and policy declared.

These rules and regulations are enacted as an exercise of the powers and duties of the Snohomish County Board of Health to preserve, promote and improve the public health. The provisions herein shall be liberally construed for the accomplishment of these purposes.

It is the specific intent of these rules and regulations to place the obligation of compliance upon the owner of a private water supply or the purveyor of a public water supply.

4.40.030 Definitions.

"Individual water supply" means as defined in Chapter 4.25 SCBHC.

"On-site sewage disposal permit" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or an adjacent or nearby property under the control of the user where the system is not connected to a public sewer system.

"Public water supply" means any system or water supply intended or used for human consumption or domestic uses, including source treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, but excluding a water system serving one single-family residence.

"State approved laboratory" means any laboratory approved by the Washington State Department of Health or Washington State Department of Ecology to perform arsenic analysis for public water systems.

"Water well report" means a complete record on the construction or alteration of the well as specified in WAC 173-160-141.

"Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of groundwater.

4.40.040 Water analyses.

Arsenic analyses of a water supply, by a state approved laboratory, shall be required when:

A. A new individual water supply is developed; or

B. A water supply operational check is conducted by the SCHD on an individual water supply which has not been sampled and tested for arsenic during the previous 36 months; or

C. A public water supply has not been tested for arsenic during the previous 36 months.

4.40.050 Water well reports.

It shall be the responsibility of the property owner to furnish the SCHD with a copy of the water well report.

4.40.060 On-site sewage disposal system permit.

No on-site sewage disposal system permit shall be issued for a new residence without complying to SCBHC 4.40.040 and 4.40.050, as well as with SCBHC 4.25.040(D) and (G) when an individual water supply is proposed as the source of potable water.

4.40.080 Notification.

When the SCHD is notified that a well, within its jurisdiction, has yielded a well water sample with an arsenic level above 0.01 mg/l, the SCHD shall attempt to notify the owner of the

property on which the well is constructed and any persons who are living on said property, or using the water supply of such well water sample results.

4.40.090 Waiver.

The Health Officer may waive any portion of these rules and regulations; provided, that the waiver is consistent with the intent of these rules and regulations, and no public health hazard is likely to result, and the waiver will not be in conflict with the requirements of Chapter 246-290 WAC and the Federal Safe Drinking Water Act.

Title 5
WASTEWATER

Chapters:

5.05 On-Site Sewage Disposal Regulations
5.10 Vertical Separation
5.15 Supplemental On-Site Sewage Disposal Policies and Procedures – Repairs and Remodels
5.20 Land Division Review, Restricted Use of Easements
5.25 Community Systems
5.30 Use of Sand Filter System/Mound System on Sites with 12 Inches to 18 Inches of Suitable Soil, Use of Boot with Sand Filter Liner
5.40 On-Site Sewage Disposal System Installer Certification Program and Installation Requirements
5.50 Septic Tank Pumper Program
5.55 On-Site Sewage System Pumper Certification and Reporting Requirements
5.60 On-Site Sewage Disposal System Application Permit and Installation Procedures
5.65 System Permit Application Design and Record Drawings (As-Built) Standards
5.70 On-Site Sewage System Monitoring and Maintenance Specialist Certification Program

Chapter 5.05
ON-SITE SEWAGE DISPOSAL REGULATIONS

Sections:

5.05.010 Chapter 246-272A WAC.

Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.

5.05.010 Chapter 246-272A WAC.

This section adopts Chapter 246-272A WAC, On-Site Sewage Systems, by reference.

Chapter 5.10
VERTICAL SEPARATION

Sections:

5.10.010 Purpose.

5.10.010 Purpose.

To protect public health, the Board of Health requires that all new on-site sewage disposal systems are designed and installed in soil conditions and on lots in such a manner to provide a safe level of treatment of sewage containing potentially pathogenic organisms prior to entering groundwaters or restrictive layers.

To protect public health, the Board of Health requires that all new on-site sewage disposal systems must have three feet of vertical separation with gravity flow; or two feet of vertical separation with pressure distribution; or the system must meet the requirements of Washington State Department of Health alternative system guidelines.

Chapter 5.15
SUPPLEMENTAL ON-SITE SEWAGE DISPOSAL POLICIES AND PROCEDURES – REPAIRS AND REMODELS

Sections:

5.15.010 Authority.
5.15.020 Purpose.
5.15.030 Applicability.
5.15.040 Remodeling approval required.

5.15.010 Authority.

The regulations in this chapter are established pursuant to authority vested in the Snohomish County Board of Health by RCW 70.05.060 and WAC 246-272A-0015(9). The regulations are adopted for the protection of public health through the mechanism of providing guidance to the Health Officer with regard to the applicability of Chapter 246-272A WAC to proposed remodeling projects and construction of structures other than residences.

5.15.020 Purpose.

These rules and regulations are enacted as an exercise of the powers and duties of the Snohomish County Board of Health to preserve, promote and improve the public health. The provisions herein shall be liberally construed for the accomplishment of these purposes. It is the specific intent of these rules and regulations to prevent the development of any property, to which a public sanitary sewer is not available, to such an extent or in such a manner whereby the amount of any sewage produced on the property would exceed the property's ability to dispose of and treat said sewage effluent in a manner consistent with Chapter 246-272A WAC.

5.15.030 Applicability.

Chapter 246-272A WAC shall apply whenever development or construction of a structure is proposed on any property to which a sanitary sewer is not available and to which water under pressure can be made available.

5.15.040 Remodeling approval required.

All existing buildings or structures to which additions, alterations, or improvements are made after the effective date of these policies and procedures shall be served by an on-site sewage disposal system complying with Chapter 246-272A WAC; provided, however, the Health Officer may waive compliance with these requirements for existing buildings or structures when additions, alterations, repairs, or improvements to the building or structure are compatible with and do not adversely impact the existing on-site sewage disposal system and potential reserve drainfield area, the system is adequate to treat the on-site sewage expected to be generated over the remaining useful life of the structure, and the continued operation of the system will not adversely affect public health, surface water quality, or groundwater quality.

A. Application for approval by the Health Officer of an existing on-site sewage disposal system serving an existing building undergoing addition, alteration, repair, or improvement shall be made as provided in this section. The application shall be made on forms provided by the Health Officer.

B. The Health Officer shall review all applications to determine compatibility of the proposed addition, alteration, repair, or improvement with the existing on-site sewage disposal system.

1. Factors that must be considered shall include, but not be limited to, the following:

a. Location of septic tank and drainfield in relation to existing foundation and proposed improvements;

b. Size of drainfield in relation to proposed use;

c. Condition of existing on-site sewage disposal system;

d. Useful anticipated life of the existing on-site sewage disposal system;

e. Potential for reconstruction, replacement, and/or repair of the existing on-site sewage disposal system;

f. Ultimate purpose of the remodeling;

g. Approved source of water;

h. Potential use of the structure after remodeling.

2. The Health Officer may require the applicant to furnish such exhibits and information as may be deemed relevant and necessary to the application.

C. After reviewing the application, the Health Officer shall notify the building authority and applicant that either:

1. The application is approved; or

2. Correction is required to accommodate the application's approval; or

3. The application is disapproved and the reasons therefor.

Chapter 5.20
LAND DIVISION REVIEW, RESTRICTED USE OF EASEMENTS

Sections:

5.20.010 Land division – Authority.

5.20.020 Land division – Purpose and policy declared.
5.20.030 Land division – Review approval required.
5.20.040 Land division – Purpose.
5.20.050 Land division – Background.
5.20.060 Land division – Definitions.
5.20.070 Land division – Short subdivision review procedure.
5.20.080 Land division – Subdivision review procedure.
5.20.090 Restricted use of easements – Purpose.
5.20.100 Restricted use of easements – Applicability.

5.20.010 Land division – Authority.

To protect the public health, these regulations are established pursuant to authority vested in the Snohomish County Board of Health by RCW 70.05.060 and WAC 246-272A-0015(9). Nothing contained in this chapter shall be construed to prevent the Health Officer from requiring compliance with more stringent requirements than those contained herein where more stringent requirements are essential to maintain a safe and sanitary condition.

5.20.020 Land division – Purpose and policy declared.

In accordance with state and local requirements, the SCHD is obligated to assess a proposed land division for compliance with the on-site sewage disposal regulation, Chapter 246-272A WAC and Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5. These regulations require that each lot of a proposed land division be capable of supporting an on-site sewage disposal system and 100 percent reserve area within the proposed lot line boundaries. Additionally, the regulations contain specific requirements concerning the location of existing and proposed water wells and approved source of potable drinking water.

5.20.030 Land division – Review approval required.

The SCHD policy titled “Supplemental On-Site Sewage Disposal Policies and Procedures for Land Division Review” prescribes minimum requirements and standards for the use of on-site sewage disposal systems in land divisions, prescribing data to be disclosed to the Environmental Health Division (EHD) concerning the proposed land division and setting forth information to be furnished to the EHD prior to requesting SCHD to make preliminary and final recommendations to the city or county land use authority for the approval of a particular land division. Nothing contained in the process shall be construed to prevent the Health Officer from requiring

compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a safe and sanitary condition.

5.20.040 Land division – Purpose.

In accordance with state and local requirements, the Snohomish County Health Department (SCHD) is obligated to assess a proposed land division for compliance with the on-site sewage disposal regulation, Chapter 246-272A WAC and Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5. These regulations require that each lot of a proposed land division be capable of supporting an on-site sewage disposal system and 100 percent reserve area within the proposed lot line boundaries. Additionally, the regulations contain specific requirements concerning the location of existing and proposed water wells and approved source of potable drinking water.

5.20.050 Land division – Background.

The following process is established pursuant to Chapters 4.25 through 4.40 SCBHC and SCBHC Title 5, prescribing minimum requirements and standards for the use of on-site sewage disposal systems in land divisions, prescribing data to be disclosed to the Environmental Health Division concerning the proposed land division, and setting forth information to be furnished to the Environmental Health Division prior to any request for SCHD to make preliminary and final recommendations to municipal land use authority for the approval of a particular land division.

5.20.060 Land division – Definitions.

In addition to the definitions found in WAC 246-272A-0010, and in any supplemental on-site sewage disposal regulations of the Snohomish County Board of Health, the following shall apply:

"Short subdivision" means a division or redivision of land into four or less lots.

"Subdivision" means a division or redivision of land into five or greater lots.

5.20.070 Land division – Short subdivision review procedure.

A. *Method A – Soil Survey.*

1. *Preliminary Short Subdivision Review Requirements and Report.* An application requesting SCHD to conduct a preliminary short subdivision review is received from a certified on-site sewage disposal designer or professional engineer. Application is made on SCHD form "Request for Preliminary Short Subdivision Review" and shall provide information as prescribed in WAC 246-272A-0320, Developments, Subdivisions and Minimum Land Area Requirements.

a. At a minimum, the application must include the following:

(1) Applicable review fees, as set forth in chapter 1.40 SCBHC, under Subdivision of Property: Short Subdivision, a) Preliminary Soil Survey.

(2) Two copies of the preliminary subdivision plat map showing: scale, north arrow, proposed lot layout, proposed lot sizes, general dimensions of lots, easements, existing structures, location of all existing on-site sewage disposal systems and reserve areas, general contours, streams and surface water within 100 feet of the project site, proposed well sites, wells within 200 feet of the project site and location of soil test holes.

(3) Engineer or certified designer's description of soil profile from at least two soil log test holes on each proposed lot. Soil log test hole identification, flagging, construction and maintenance as well as soil descriptions shall be consistent with the requirements contained in SCBHC Title 5.

(4) Proposed source of potable drinking water.

b. Proposed lot corners are to be flagged and identified on site prior to SCHD site review.

c. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot protection zone around each existing and proposed well site.

d. If a new community/public well is proposed, an application for public well site inspection must be submitted, reviewed and approved by the Health Department. Prior to final short subdivision approval the public water supply must be constructed and approved by the Health Department and, when applicable, by the Washington State Department of Health.

2. *Final Short Subdivision Review Requirements.* Application requesting SCHD to conduct a final short subdivision review is received from a certified on-site sewage disposal designer or professional engineer with required information as prescribed in WAC 246-272A-0320. Application is made on SCHD form "Request for Final Short Subdivision Review."

a. At a minimum, the application must include the following:

(1) Applicable review fees as set forth in chapter 1.40 SCBHC, under Subdivision of Property: Short Subdivision, b) Final Review and Recording.

(2) Two copies of the final short subdivision plat map showing: scale, north arrow, final lot layout, lot sizes, dimensions of lots, roads, storm water control features, easements, existing structures, all existing on-site sewage disposal systems and reserve areas, general contours, streams and surface water within 100 feet of the project site, wetlands, native growth protection areas, proposed well sites, wells within 200 feet of the project site and location of soil test holes.

(3) Description of soil profiles from five soil log test holes located in the proposed on-site sewage system primary and reserve area on each proposed lot. Soil log test hole identification, flagging, construction and maintenance as well as soil descriptions shall be consistent with the requirements contained in SCBHC Title 5.

(4) Scaled site designs for each proposed lot demonstrating sufficient area for on-site sewage system and reserve area, lot lines, easement lines, road locations, wells, surface waters, drainage features, sensitive areas, and features which may impact the placement of the on-site sewage system.

b. Lot corners must be surveyed and staked, all roads cut in, and any storm water drainage system installed.

c. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the proposed lot lines, or, if this is not possible, to establish a 100-foot protection zone around each existing and proposed well site.

d. If a new community/public well is proposed, the public water supply must be constructed and proven adequate. Approval by the Health Department and, when applicable, by the Washington State Department of Health must be received prior to recording.

e. If an existing public water supply will serve the subdivision, the water system expansion must be approved by the regulatory authority and a letter of availability from the water system purveyor must be submitted.

B. *Method B – Individual Applications for On-Site Sewage Disposal Permit – Preliminary and Final Short Subdivision Review Process.* Applications for on-site sewage disposal permit are submitted for each of the proposed lots by a certified designer or professional engineer.

1. Payment of applicable review fees as set forth in chapter 1.40 SCBHC, under On-site Sewage Disposal System Designs.

2. Application, design preparation, soil log test hole construction, identification, flagging and maintenance as well as soil descriptions shall be consistent with the requirements contained in SCBHC Title 5

3. An as-built of any existing on-site sewage disposal system must be provided along with soil logs in the reserve area for any lot that has an existing dwelling.

4. Proposed lot corners are to be flagged and identified on site.

5. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot protection zone around each existing and proposed well site.

6. If a new community/public well is proposed, an application for public well site inspection must be submitted, reviewed and approved by the Health Department. Prior to final short subdivision approval the public water supply must be constructed. Approval by the Health Department and, when applicable, by the Washington State Department of Health must be received prior to recording.

7. If an existing public water supply will serve the subdivision, the water system expansion must be approved by the regulatory authority and a letter of availability from the water system purveyor must be submitted.

5.20.080 Land division – Subdivision review procedure.

A. *Preliminary Subdivision Review Requirements and Report.* Application requesting SCHD to conduct a preliminary subdivision review is received from a certified on-site sewage disposal designer or professional engineer. Application is made on SCHD form "Request for Preliminary Subdivision Review" and shall provide information as prescribed in WAC 246-272A-0320, Developments, Subdivisions, and Minimum Land Area Requirements.

1. At a minimum, the application must include the following:

a. Applicable review fees as set forth in chapter 1.40 SCBHC, under Subdivision of Property.

b. One copy of the preliminary plat map showing: scale, north arrow, proposed lot layout, proposed lot sizes, general dimensions of lots, easements, existing structures, location of all existing on-site sewage disposal systems and reserve areas, general contours, streams and surface water within 100 feet of the project site, proposed well sites, wells within 200 feet of the project site and location of preliminary soil test holes.

c. Preliminary large long plat soil review (lots five acre minimum) applications shall include a plat map showing the location, together with soil profile descriptions of the designer's or professional engineer's preliminary test pits. Backhoe pits as described in subsection (A)(3) of this section are to be provided for the Health Department at the time of field review.

d. Proposed source of potable drinking water for each proposed lot.

2. Reference points must be identified on site for the purpose of identifying map locations in the field (i.e., traverse lines, identified in field, depicted on preliminary plat map).

3. Applicant's certified designer or professional engineer will coordinate a detailed review of the site and soils with the Health Department representative at which time backhoe pits or equivalent prepared and maintained in accordance with WAC 246-272A-0220(3) shall be provided.

a. A backhoe should be available on site for additional holes and to backfill pits after soil profiles have been recorded.

b. A minimum of one soil log per proposed lot must be provided for review.

c. Soil profile descriptions and locations are to be recorded by the designer or professional engineer who shall also show the location of test pits accurately on subsequent preliminary plat maps.

d. In accordance with WAC 246-272A-0220, the owner of the property or owner's agent is responsible for constructing and maintaining the soil log excavation in a manner to prevent physical injury. The SCHD recommends any excavation be done the same day as the soil logs are examined. Furthermore, the SCHD recommends backfilling all soil test pits as soon as the soil logs are recorded, but not later than the end of the day that the logs are reviewed. SCHD assumes no responsibility for test pit backfilling or uncovered test pits.

4. A copy of the preliminary plat map showing locations of soil log excavations is to be submitted prior to Health Department preliminary plat recommendation to the lead agency.

5. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot protection zone around each existing and proposed well site.

6. If a new community/public well is proposed, an application for public well site inspection must be submitted, reviewed and approved by the Health Department. Prior to

final long plat approval the public water supply must be constructed and approved by the Health Department and, when applicable, by the Washington State Department of Health.

B. *Final Subdivision Review Requirements.* Application requesting SCHD to conduct a final subdivision review is received from a certified on-site sewage disposal designer or professional engineer with required information as prescribed in WAC 246-272A-0320 and SCBHC Title 5. Application is made on SCHD form "Request for Final Subdivision Review."

1. At a minimum, the application must include the following:

   a. Applicable review fees as set forth in chapter 1.40 SCBHC under Subdivision of Property: Long Plat, Recording.

   b. Two copies of the final plat map showing: scale, north arrow, final lot layout, lot sizes, dimensions of lots, roads, storm water control features, easements, existing structures, all existing on-site sewage disposal systems and reserve areas, general contours, streams and surface water within 100 feet of the project site, wetlands, native growth protection areas, proposed well sites, wells within 200 feet of the project site, and location of soil test holes.

   c. Scaled site design for each proposed lot demonstrating sufficient area for on-site sewage system and reserve area, lot lines, easement lines, road locations, wells, surface waters, drainage features, sensitive areas, and features which may impact the placement of the on-site sewage system.

2. Lot corners must be surveyed and staked, all roads cut in and any storm water drainage system installed.

3. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires configuration of each lot to allow a 100-foot radius water supply protection zone to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot protection zone around each existing and proposed well site.

4. If a new community/public well is proposed the public water supply must be constructed and approved by the Health Department and, when applicable, by the Washington State Department of Health.

5. If an existing public water supply will serve the subdivision, the water system expansion must be approved by the regulatory authority and a letter of availability from the water system purveyor must be submitted.

5.20.090 Restricted use of easements – Purpose.

To protect the public health, the Snohomish County Board of Health does, for the sake of clarity, adopt the following additional statement to WAC 246-272A-0010(2) for the definition of "on-site sewage system":

> However, relative to the creation of new lots, all such piping, treatment devices or other facilities that convey, store, treat or dispose of sewage, including replacement systems, shall be located within the boundaries of the lot where the sewage originates.

5.20.100 Restricted use of easements – Applicability.

The local definition of on-site sewage system shall in its entirety read as follows:

> Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a public sewer system. However, relative to the creation of new lots, all such piping, treatment devices or other facilities that convey, store, treat, or dispose of sewage, including replacement systems, shall be located within the boundaries of the lot where the sewage originates.

Chapter 5.25
COMMUNITY SYSTEMS

Sections:

5.25.010 Authority.
5.25.020 Purpose and policy declared.
5.25.030 Applicability.
5.25.040 Definitions.
5.25.050 Community on-site sewage disposal systems.

5.25.010 Authority.

The regulations in this chapter are established pursuant to authority vested in the Snohomish County Board of Health by RCW 70.05.060 and WAC 246-272A-0015(9). These regulations are adopted for the protection of public health through the mechanism of establishing design guidelines together with ongoing operation and management requirements for community on-site sewage disposal systems as further defined hereinafter.

5.25.020 Purpose and policy declared.

These policies and procedures are enacted as an exercise of the powers and duties of the Snohomish County Board of Health to preserve, promote, and improve the public health. The provisions herein shall be liberally construed for the accomplishment of these purposes.

5.25.030 Applicability.

A. These policies and procedures shall apply to all lots, parcels and tracts not served by public sewer without regard to whether such lots, parcels or tracts may have been in existence prior to the effective date of these policies and procedures.

B. Deviations from these policies and procedures may be granted only for repair of existing, failing, on-site sewage disposal systems which cannot meet current regulations and these policies and procedures because of site limitation.

C. All existing buildings or structures served by a community on-site sewage disposal system to which additions, alterations, or improvements are proposed shall comply with Chapter 5.15 SCBHC and these policies and procedures.

D. Nonexpanding, existing/approved community on-site sewage disposal systems are exempt from these policies and procedures.

5.25.040 Definitions.

“Community on-site sewage disposal system” means any on-site sewage disposal system having more than one service with an anticipated flow of less than 3,500 gallons per day and where services are located on more than one parcel of land.

"Service" means a connection to an on-site sewage disposal system designed to serve a single-family residence, commercial structure, dwelling unit, or equivalent use.

5.25.050 Community on-site sewage disposal systems.

A. Design of these systems shall comply with Chapter 246-272B WAC.

B. Prior to construction, plans and specifications for community on-site sewage disposal systems shall be submitted to and approved by the Health Officer or delegated representative.

1. *Submission of Plans and Specifications.*

a. Before installing or entering into a contract for installing a community system, an on-site sewage disposal system application with complete plans and specifications shall be submitted to SCHD fully describing such community on-site sewage disposal system, and upon receipt of written approval by the Health Officer or delegated representative the plans and specifications shall be adhered to unless deviations are first submitted to and receive written approval of the Health Officer or delegated representative.

b. A detailed operation and maintenance manual, fully describing the treatment and disposal systems and outlining routine maintenance procedures for proper operation of the system, shall be submitted prior to final approval of the system.

2. All applications, plans and specifications for new community on-site sewage disposal systems, extensions or alterations, shall be prepared by a sewage disposal designer certified with SCHD or a Washington State registered professional engineer.

3. Management and maintenance of community on-site sewage disposal systems shall be provided by a public agency as defined in RCW 39.34.020 acting as the management authority or acting as third party trust if management is performed by a private entity. The management system shall comply with the Management and Maintenance Guidelines for LOSS, dated June 29, 2004, as published by the Washington State Department of Health.

a. The fee for review of the proposed waste management document is set by the Snohomish County Board of Health, as set forth in chapter 1.40 SCBHC.

b. The application shall be accompanied by an opinion letter from an attorney licensed to practice law in the state of Washington representing that the management agreement complies with all applicable laws and regulations, and is a valid and binding obligation of all parties thereto. The opinion letter shall be in such form as the Health Officer or delegated representative may require.

c. The management authority shall prepare a user's manual which describes the responsibilities and duties of the user along with precautionary information as may be necessary to preclude inadvertent abuse to the sewage system. A copy of such manual shall be provided to each user at the time of purchase.

4. After approval of the application and design by SCHD an on-site sewage disposal system installation permit shall be obtained prior to installing the community system. When applicable, on-site sewage disposal system installation permits shall be obtained for each structure prior to the septic tank, pump or dosing tank and connecting line to the community system being installed.

Chapter 5.30
USE OF SAND FILTER SYSTEM/MOUND SYSTEM ON SITES WITH 12 INCHES TO 18 INCHES OF SUITABLE SOIL, USE OF BOOT WITH SAND FILTER LINER

Sections:

5.30.010 Sand filter system – Purpose.
5.30.020 Sand filter liner – Purpose.
5.30.030 Sand filter liner – Standards.

5.30.010 Sand filter system – Purpose.

The Snohomish County Health Department (SCHD) may approve the use of a mound system preceded by a sand filter for existing legal lots of record when site conditions comply with all requirements described in Recommended Standards and Guidance for Performance, Application, Design and Operation and Maintenance Mound Systems, July 1, 2007.

SCHD will not approve the creation of new lots, parcels or tracts that would utilize the sand filter/mound system on sites with only 12 inches to 18 inches of suitable soil.

5.30.020 Sand filter liner – Purpose.

The following standards are for the design and construction of a sand filter using a synthetic membrane-lined pit with an underdrain and attached underdrain boot. These standards are established to assure that the boot is used as designed by the manufacturer, to assure that leakage at the boot is prevented through good design and construction practice, and to allow for testing the performance of the boot installation.

5.30.030 Sand filter liner – Standards.

A. The system designer is to identify the use of a sand filter liner with underdrain and boot as a part of the application for on-site sewage disposal permit, and provide specifications detailing design and installation requirements.

B. The boot is to be installed by the manufacturer or the manufacturer's representative.

C. The boot outlet is to be bedded in sand.

D. The boot is to be sized to accommodate a four-inch underdrain outlet pipe.

E. The boot is to be secured to the four-inch outlet pipe with two stainless steel bands and screws, and sealant strips as recommended by the manufacturer.

F. The underdrain is to be designed in accordance with Recommended Standards and Guidance for Performance, Application, Design, and Operation and Maintenance Intermittent Sand Filter Systems, July 1, 2007, Appendix C, Underdrains, and exit the side of the liner.

G. Sewer pipe from the sand filter to the drainfield shall be ASTM 3034 ring tight.

H. The trench from the sand filter to the drainfield shall be backfilled with a minimum five-foot clay or hardpan dam to prevent the trench from acting as a conduit for groundwater movement towards the drainfield.

I. During the initial implementation period of this procedure the Snohomish County Health Department may require performance testing of the sand filter/boot for leakage. The need for a performance test shall be discussed and agreed upon at the preconstruction conference. The performance test shall be conducted by:

1. Block outlet pipe.
2. Fill underdrain gravel with water.
3. Measure and record elevation of water through observation/inspection port.
4. Let stand 24 hours minimum.
5. Measure and record elevation of water through observation/inspection port.
6. No allowable drop in the water level.

Chapter 5.40
ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLER CERTIFICATION PROGRAM AND INSTALLATION REQUIREMENTS

Sections:

5.40.010 Purpose and authority.
5.40.020 Definitions.
5.40.040 Certificate required.
5.40.050 Duties and obligations.
5.40.060 Installer certification.
5.40.070 Installer company certification.
5.40.080 Health officer approval required.
5.40.090 Installation requirements.

5.40.010 Purpose and authority.

Pursuant to WAC 246-272A-0340 the following administrative procedure is adopted.

A. *Purpose:* The purpose of the installer program and the underlying rules and regulations thereto is to establish minimum competency standards for individuals engaged in the practice of installing on-site sewage disposal systems (OSS) within the jurisdiction of the Snohomish County Health Department (SCHD), as well as to provide specific requirements regarding certification of individuals and the activities associated with OSS installation.

The Health Officer and local Board of Health shall administer these regulations under authority and requirements of Chapters 43.20 and 70.05, RCW, as well as the underlying Chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0340 a mandate for the establishment of the installer program.

5.40.020 Definitions.

In addition to the definitions found in WAC 246-272A-0010 and in any supplemental on-site sewage disposal regulations of SCHD the following shall apply:

"Certified company" means a business entity which employs individuals possessing an installer certification.

"Design" An OSS design shall consist of a complete scale drawing of the site plan showing the proposed sewage disposal system installation, including all relevant values and details, and using the format and application forms provided by SCHD. The presentation of requisite soil

test holes, information and markers at the site of the intended development is considered to be part of the design.

"Installer" means an individual who personally holds an installer certificate of competency and performs the actual work of installing, repairing, and renovating on-site sewage treatment and disposal systems. A homeowner may act in the capacity of the installer and install his/her own system in accordance with the supplemental procedures.

"Installer certificate of competency" means a document issued by SCHD indicating an individual's satisfactory completion of the application and testing procedures relative to OSS.

"Permit" means written approval from SCHD to construct or repair an OSS in accordance with an approved design and use.

"Violation" means the construction or omission of any significant element of an on-site sewage disposal system which, if left uncorrected, may result in the malfunction of the wastewater treatment or disposal system, or would allow the use of the system to circumvent required treatment and disposal of wastewater. Also, OSS construction work that is performed without a permit or approval from SCHD. This includes but is not limited to: a drainfield installation in violation of the applicable rules and regulations; an installation not fitting the size, shape or topography of the site or its setbacks; use of inadequate construction materials, devices or methods; a sewage disposal system construction flaw that could allow the contamination of groundwater; a sewage disposal system that is installed at an unsafe distance from a water supply or surface water; OSS construction that could malfunction or allow sewage to discharge to the surface.

"Violation notice" means written determination that the named installer has committed a violation of the rules or regulations.

5.40.040 Certificate required.

A. No person shall engage directly or indirectly in the activity of installing all or any part of an OSS without first having obtained an installer certificate of competency from SCHD.

B. An on-site sewage disposal system installer certificate shall be nontransferable.

C. Each certified individual shall conduct his or her work in the employ of a certified company appropriate to the work performed and provide to SCHD the name of the certified company with which they are employed and shall notify SCHD within 30 days of any employment changes.

D. When complying with the requirements of this chapter, the certified individual represents the certified company with which he or she is employed. The certified company, as well as the

certified individual, may be subject to disciplinary action for violating the requirements of this chapter.

5.40.050 Duties and obligations.

By virtue of performing OSS construction, an installer incurs the obligation to comply with the minimum requirements for on-site sewage disposal which includes proper installation of an approved system design in conformance with SCHD standards. All installation work is subject to inspection and approval prior to use.

5.40.060 Installer certification.

SCHD does not allow an individual installer who also holds a designer's license to concurrently act as both the installer and the designer of the same system. Each individual applying for certification and/or recertification must satisfy the following:

A. *Qualification.* Under these regulations an individual shall be subjected to testing, as is further defined herein, as well as be obligated to satisfy contractor licensing requirements as referenced.

B. *Term.* An installer certificate of competency shall run from the date of issue concurrent with the calendar year, and will expire on December 31 of the year unless otherwise suspended or revoked.

C. *Application and Testing.* Certification of installer's competency shall be determined in the following manner:

1. The applicant must file notice of interest with the Health Officer requesting to be placed on the test candidate register.

2. Testing will be conducted at monthly intervals by the Health Officer of individuals named in the current test candidate register. At the time of testing, an applicant for installer certification of competency must submit an application and payment of the examination fee as set forth in chapter 1.40 SCBHC.

3. Testing will consist of three phases:

a. A written exam to determine the applicant's knowledge of public health problems involved in on-site treatment and disposal of sewage; of water and wastewater rules, regulations and policies; of standards of design, construction and installation; of soil/site evaluation; and of sewage treatment theory. If the applicant scores below 70

percent on the written exam, the applicant fails that exam and must wait until the next scheduled examination to re-take the exam, and may not continue with any other part of this examination.

b. A practical field exercise consisting of the examination of a site for a proposed OSS installation, at a time and place selected by the Health Officer, and a verbal description of methods of installation, and submittal of a preliminary written bid for construction of the proposed OSS including an itemization of materials, equipment and labor costs. This exercise must be taken within 90 days of passing the written examination and completed to the satisfaction of the Health Officer; otherwise, the applicant will be required to retake the entire testing procedure.

c. A satisfactory oral review with the Health Officer of the test results completes the exam.

D. *Issuance.* A certificate will be issued by the Health Officer to qualified individuals who have passed the necessary written examination, field exercise, oral review, and otherwise complied with the other licensing and bonding requirements contained herein so as to demonstrate that said candidate appears to be qualified to install sewage disposal systems consistent with the category of the certificate being sought. This certification does not constitute a guaranty, a warranty, or any representation by SCHD relative to the specific work or performance of the certificate holder.

Test results for the purpose of certification will be retained for only a 90-day period. Failure to complete requirements and obtain certification within that time will require reapplication and reexamination as outlined in subsection (C) of this section unless special arrangements are made by the Health Officer.

1. A new certificate shall be issued upon:

a. Determination of competency through testing as described above.

b. Proof of possession of a current, valid general or specialty contractor license issued by the state of Washington.

c. Payment of the annual certification fee as set forth in chapter 1.40 SCBHC.

2. A renewal installer certificate of competency will be issued to a holder of an expired installer certificate upon receipt of payment not later than March 1 of the next certificate year. A late fee, as prescribed in the current fee schedule, shall be imposed on applications for renewal received later than that date. After March 31 the certificate will be nonrenewable and the installer must apply for new certification as outlined in subsections (C) and (D) of this section. OSS installations performed by any installer seeking renewal of

the installer certificate will not be approved until the renewal application is completed and the annual fee is paid.

E. *Suspension and Revocation-General Information.* The Health Officer may suspend or revoke any installer certification of competency upon making the determination that the holder has performed with negligence, incompetence, misrepresentation, or violation of the rules, regulations, guidelines, policies, or practices adopted by SCHD which pertain to water supply and wastewater disposal, either existing at the time of certification or as thereafter enacted.

F. *Suspension.* The certificate may be suspended by the Health Officer for any of the following reasons:

1. *Violation.* When the Health Officer finds that the installer has committed a significant violation of the regulations, principles, or practices of OSS installation, a notice of violation shall be issued. The installer shall be notified by certified and regular mail of the issuance of the violation notice. Where such violation notice constitutes the third notice of violation within any 12-month period, the installer shall also be notified of the immediate suspension of the installer certificate.

2. Upon finding that the conditions of installer certification are no longer in effect, specifically the maintenance of the Washington State contractor license, or by the abandonment of the occupation either by relocation out of state, or by inactivity for more than one year, the certification shall be suspended. The installer shall be notified by certified and regular mail of the immediate suspension of the installer certificate of competency.

3. For committing a violation that would allow the existence of a real or potentially serious threat to the public health or to the quality of surface and groundwaters, or for making any serious, material misrepresentation of major facts as part of the construction of any OSS.

G. *Reinstatement of Suspension.*

1. The installer shall make written application for reinstatement to the Health Officer, specifying what practices, performance, and conditions that were named as grounds for suspension have been remedied, and a description of changes in performance that will occur which will directly avoid the repetition of past violations.

2. The Health Officer, upon determining that noted deficiencies have been satisfactorily addressed, shall schedule the installer for participation in the next available test. Recertification is subject to the installer's successful completion of the application and testing procedure and payment of testing and licensing fees as per subsections (C) and (D) of this section.

3. Upon proof of reinstatement of the performance bond or contractor's license, where that is the only fault, the certificate of competency can be immediately reinstated by the Health Officer.

H. *Appeal of Suspension.*

1. Appeals of a suspension of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

2. Suspension of the certificate will be stayed pending outcome of the final hearing unless, in the opinion of the Health Officer, there exists an imminent health hazard that would result from the continued activity of the installer.

I. *Revocation.* The certificate may be revoked for any of the following reasons:

1. A violation of a severity and magnitude that, in the opinion of the Health Officer, warrants immediate revocation. Including but not limited to the following actions:

a. The creation of an extremely serious health hazard.

b. The concealment of major facts or pertinent information regarding an installation.

c. Allowing another to submit work using the name on the installer certificate.

d. By using the name of another certificate holder; fraudulent representation.

e. Asserting undue influence on or interference with SCHD staff.

2. When notification of the installer through the violation notice process has resulted in the issuance of a notice of violation beyond the second suspension of certification, the certificate shall be subject to revocation by the Health Officer.

3. Once revoked, a certificate of competency will not be granted to an individual at any time within the subsequent three-year period from the date of notification.

4. The Health Officer will not revoke a certificate until an opportunity has been provided for an administrative review before the Health Officer or the Health Officer's designee. Certificates shall be revoked through issuance of a Health Officer's order, to be mailed to the certificate holder by regular and certified mail. Appeals of a revocation of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

J. *Installing without Certification.* An individual found to be engaging in the business of OSS installation or repair without requisite certification shall be notified by the Health Officer, by certified mail, of these requirements. If eligible, the individual is to submit for examination at the next regularly scheduled time, and pay double the test and certification fee. Refusal to

comply with these requirements will then make the individual ineligible for certification for three years.

K. *Fees.* An installer must submit the fees in chapter 1.40 prior to issuance of an installer certificate of competency. Application for reinstatement following suspension or revocation requires submittal of the appropriate annual certificate and examination fees under chapter 1.40 by the installer.

5.40.070 Installer company certification. Each company applying for certification and/or recertification must satisfy the following:

A. *Fees.* Fees as adopted by the Snohomish County Board of Health must be submitted prior to issuance of an installer company certificate of competency. Application for reinstatement following suspension or revocation requires submittal of appropriate annual fee.

B. *Provider List.* Annual submittal of a list of certified installers who will be performing the work on the company's behalf. A minimum of one certified individual shall be required for each company.

C. *Contractor's License.* Each installation company must hold a Washington State general contractor's license or applicable specialty contractor's license. A copy of the applicable valid contractor's license must be submitted to SCHD prior to initial certification and annually thereafter at time of certification renewal. Listing on any installation provider list maintained and distributed by SCHD will be alphabetically by company name.

5.40.080 Health officer approval required.

The Health Officer may allow the owner of a single-family residence to install the OSS for his/her single-family residence that he/she intends to occupy provided the following conditions are met:

A. The OSS is a conventional gravity system.

B. The property owner is in possession of a valid, approved design and permit for a gravity OSS with no pump or siphon required.

C. The installation shall follow the approved design and meet the requirements of this Chapter, except for the professional installer certification requirements.

D. A certified installer performs all installation work not done by the resident owner.

Under no circumstances shall a property owner perform more than one installation in a calendar year.

5.40.090. Installation requirements.

In accordance with the requirements of SCBHC Title 5, the following specific installation requirements are set forth in order to maintain a high level of quality control throughout the OSS construction process.

The SCHD shall require certified installers to construct the OSS, except as noted under SCBHC 5.40.080. In all cases, construction of the OSS shall include system back fill and final grading.

The installer shall:

A. Follow the approved design. Design revisions must have the concurrence of the designer and SCHD before commencing work.

B. Have the approved design and permit in possession during installation.

C. Be on the site at all times during the construction of the on-site system.

D. Install the on-site system to be watertight, except for the disposal component.

E. Upon completion, post the permit on site in a conspicuous location until such time as the local Health Officer has granted final approval.

F. Cover the installation only after the local Health Officer has given approval to cover.

G. Back fill and grade the site to prevent surface water from accumulating over any component of the on-site system.

Chapter 5.50
SEPTIC TANK PUMPER PROGRAM

Sections:

5.50.010 Purpose.
5.50.020 Definitions.
5.50.030 Certificate required.
5.50.040 Reporting requirements.
5.50.050 Duties and obligations.
5.50.060 Septic tank pumper certification.

5.50.010 Purpose.

Pursuant to WAC 246-272A-0310 and 246-272A-0340 the following regulations are adopted.

The purpose of the septic tank pumper program and the underlying rules and regulations thereto is to establish minimum competency standards for individuals and companies engaged in the practice of removal of septic tank contents, conventional gravity on-site sewage system (OSS) inspection and/or the performance of limited repair measures within the jurisdiction of the Snohomish County Health Department (SCHD). ("Limited repair measure" defined in SCBHC 5.50.020).

The Health Officer and local Board of Health shall administer these regulations under authority and requirements of Chapters 43.20 and 70.05 RCW, as well as the underlying Chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0310 a mandate to approve individuals involved in septage removal and disposal and in WAC 246-272A-0340 an allowance to establish programs and requirements for approving maintenance service providers.

5.50.020 Definitions.

In addition to the definitions found in WAC 246-272A-0010 and in any supplemental on-site sewage disposal procedures of SCHD, the following shall apply:

"Certified company" means a business entity which employs individuals who personally hold a pumper certificate of competency.

"Inspection" means a complete and thorough evaluation of OSS components and the ground surface over the gravity subsurface soil absorption system (SSAS). The evaluation of proprietary and nonproprietary pretreatment devices, SSAS other than conventional gravity and other related components such as timers and control panels must be deferred to a certified monitoring and maintenance specialist. Inspection may also include other incidental activities enumerated within the supplemental procedures or for which prior approval has been granted by SCHD.

"Limited repair measure" means repairs to OSS components not directly associated with the treatment, distribution or absorption of the sewage and as defined in WAC 246-272A-0200(2). Limited repair measures may also include other incidental activities enumerated within the supplemental procedures or for which prior approval has been granted by SCHD.

"Limited repair report (for limited repair measures)" means a documentation of work performed, submitted in the format and by the means designated by the Health Officer within 30 days from the date of service in accordance with the supplemental procedures (reference SCBHC 5.55.080), and accepted by SCHD.

"Monitoring and maintenance specialist" means an individual who personally holds an SCHD monitoring and maintenance certificate of competency.

"Pumper" means an individual that personally holds a pumper certificate of competency and performs the actual work of removal of septic tank and/or sewage holding tank contents, inspection and/or limited repair measures.

"Pumper certificate of competency" means a document issued by SCHD indicating an individual's satisfactory completion of the application and testing procedures relative to septic tank and/or sewage holding tank pumping, inspection and limited repair measures, as defined by this administrative procedure.

Pumper's Report. SCHD will develop and distribute an electronic minimum standard report form to be completed by the certified pumper upon servicing or inspection of an OSS. This report will be given to the property owner upon completion of the work and an electronic copy forwarded to SCHD no later than 30 days from the date of service in accordance with the supplemental procedures (reference SCBHC 5.50.060) and accepted by SCHD.

Septic Tank Pumper's Manual. SCHD will develop and distribute a manual of minimum standards, procedures, and information for pumpers in accordance with the supplemental procedures (reference SCBHC 5.50.030).

"Violation" means performance of services not consistent with these regulations and SCHD's minimum standards, procedures, and information for septic tank pumpers as set forth in the septic tank pumper's manual, as well as the underlying Chapter 246-272A WAC. Also, on-site system construction or repair work that is performed beyond the scope of limited repair measures as defined by these regulations; or failure to file a limited repair report or monitoring and maintenance report no later than 30 days from the date the work was completed as required by these regulations.

"Violation notice" means written determination that the named pumper and/or certified company has committed a violation of the rules or regulations.

5.50.030 Certificate required.

A. No person shall engage directly or indirectly in the activity of pumping, inspecting or servicing any part of an OSS without first having obtained a pumper certificate of competency from SCHD.

B. Each certified individual shall conduct his or her work in the employ of a certified company appropriate to the work performed and provide to SCHD the name of the certified company

with which they are employed and shall notify SCHD within 30 days of any employment changes.

C. When complying with the requirements of this chapter, the certified individual represents the certified company with which he or she is employed. The certified company, as well as the certified individual, may be subject to disciplinary action for violating the requirements of this chapter.

D. A certified pumper may only perform monitoring, maintenance, and limited repair measures on conventional gravity OSS where no pretreatment, disinfection or timed dosing is employed.

E. A septic tank pumper certificate shall be nontransferable.

5.50.040 Reporting requirements.

A. *Operating OSS.* The owner of each operating OSS is responsible for ensuring that the system is monitored and maintained, with reports submitted to SCHD, in accordance with the requirements of Chapter 246-272A WAC, the applicable Washington State Department of Health Recommended Standards and Guidance for Performance, Application, Design, and Operation and Maintenance document, and the SCHD Supplemental Procedures Regarding: On-Site Sewage System Pumper Certification and Reporting Requirements.

B. Certified individuals shall report the failure of an OSS to the Health Officer immediately.

5.50.050 Duties and obligations.

By virtue of performing OSS pumping, inspection and/or servicing, a pumper incurs the obligation to comply with the minimum requirements of these rules and regulations and the underlying Chapter 246-272A WAC for on-site sewage disposal which includes proper OSS pumping, inspection and/or servicing in conformance with SCHD standards. These standards include any applicable SCHD policies, Chapter 246-272A WAC and Washington State Department of Health Recommended Standards and Guidance. All maintenance work and associated records are subject to SCHD inspection and review to determine compliance with these requirements.

5.50.060 Septic tank pumper certification.

A pumper certification of competency does not allow an individual pumper to perform construction or repair work outside the scope of limited repair measures as defined by these regulations.

A. *Qualification.* Under these regulations, an individual shall be subjected to testing, as is further defined herein, as well as be obligated to obtain a state of Washington contractor license.

B. *Term.* A pumper certificate of competency shall run from the date of issue concurrent with the calendar year, and will expire on December 31 of the year unless otherwise suspended or revoked.

C. *Application and Testing.* Individuals applying for certification must meet minimum examination requirements in accordance with the supplemental procedures.

D. *Issuance.* A certificate will be issued by the Health Officer to qualified individuals who have passed the necessary written examination, oral review, and otherwise complied with the other licensing and bonding requirements contained herein so as to demonstrate that said candidate appears to be qualified to pump septic tanks and perform system service consistent with the category of the certificate being sought. This certification does not constitute a guaranty, a warranty, or any representation by SCHD relative to the specific work or performance of the certificate holder.

Test results for the purpose of certification will be retained for only a 90-day period. Failure to complete requirements and obtain certification within that time will require reapplication and reexamination as outlined in subsection (C) of this section unless special arrangements are made by the Health Officer.

1. A new certificate shall be issued upon:

    a. Determination of competency through testing as described above.

    b. Proof of possession of a current, valid general or specialty contractor's license issued by the state of Washington.

    c. Payment of the annual certification fee as set forth in chapter 1.40 SCBHC.

2. A renewal pumper certificate of competency will be issued to a holder of an expired pumper certificate upon receipt of payment not later than March 1 of the next certificate year. A late fee, as prescribed in the current fee schedule, shall be imposed on applications for renewal received later than that date. After March 31, the certificate will be nonrenewable and the pumper must apply for new certification as outlined in subsections (C) and (D) of this section. Work performed by any pumper seeking renewal of the pumper

certificate will be considered unapproved and/or in violation of these regulations until the renewal application is completed and the annual fee is paid.

E. *Suspension and Revocation -General Information.* The Health Officer may suspend or revoke any pumper certificate of competency upon making the determination that the holder has performed with negligence, incompetence, misrepresentation, or violation of the rules, regulations, guidelines, policies, or practices adopted by SCHD which pertain to water supply, wastewater disposal, and/or septage hauling and disposal, either existing at the time of certification or as thereafter enacted.

F. *Suspension.* A certificate may be suspended by the Health Officer for any of the following reasons:

1. When the Health Officer finds that the pumper has committed a significant violation of the regulations, principles, or practices of septic tank pumping or system servicing, a notice of violation shall be issued. The pumper shall be notified by certified and regular mail of the issuance of the violation notice. Where such violation notice constitutes the third notice of violation within any 12-month period, the pumper shall also be notified of the immediate suspension of the pumper certificate.

2. Upon finding that the conditions of pumper certification are no longer in effect, specifically the maintenance of the Washington State contractor license, or by the abandonment of the occupation either by relocation out of state, or by inactivity for more than one year, the certification shall be suspended. The pumper shall be notified by certified and regular mail of the immediate suspension of the pumper certificate of competency.

3. For committing a violation that would allow the existence of a real or potentially serious threat to the public health or to the quality of surface and groundwaters, or for making any serious, material misrepresentation of major facts as part of the pumping, inspecting or servicing of an OSS.

G. *Reinstatement of Suspension.*

1. The pumper shall make written application for reinstatement to the Health Officer, specifying what practices, performance, and conditions that were named as grounds for suspension have been remedied, and a description of changes in performance that will occur which will directly avoid the repetition of past violations.

2. The Health Officer, upon determining that noted deficiencies have been satisfactorily addressed, shall schedule the pumper for participation in the next available test. Recertification is subject to the pumper's successful completion of the application and testing procedure and payment of testing and licensing fees as per subsections (C) and (D) of this section.

3. Upon proof of reinstatement of the contractor's license, where that is the only fault, the certificate of competency can be immediately reinstated by the Health Officer.

H. *Appeal of Suspension.*

1. Appeals of a suspension of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

2. Suspension of the certificate will be stayed pending outcome of the final hearing unless, in the opinion of the Health Officer, there exists an imminent health hazard that would result from the continued activity of the pumper.

I. *Revocation.* The certificate may be revoked for any of the following reasons:

1. A violation of a severity and magnitude that, in the opinion of the Health Officer, warrants immediate revocation. Including but not limited to the following actions:

a. The creation of an extremely serious health hazard.

b. The concealment of major facts or pertinent information regarding a pumper's activity.

c. Allowing another to submit work using the name on the pumper certificate.

d. By using the name of another certificate holder.

e. Fraudulent representation.

f. Asserting undue influence on or interference with SCHD staff.

2. When notification of the pumper through the violation notice process has resulted in the issuance of a notice of violation beyond the second suspension of certification, the certificate shall be subject to complete revocation by the Health Officer.

3. Once revoked, a certificate of competency will not be granted to an individual at any time within the subsequent three-year period from the date of notification.

4. The Health Officer will not revoke a certificate until an opportunity has been provided for an administrative review before the Health Officer or the Health Officer's designee. Certificates shall be revoked through issuance of a Health Officer's order, to be mailed to the certificate holder by regular and certified mail. Appeals of a revocation of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

J. *Pumping, Inspecting or Servicing without Certification.* An individual found to be engaging in the business of pumping, inspecting or servicing OSS without requisite certification shall be notified by the Health Officer, by certified mail, of these requirements. If eligible, the individual

is to submit for examination at the next regularly scheduled time, and pay double the test and certification fee. Refusal to comply with these requirements will then make the individual ineligible for certification for three years.

K. *Fees.* A pumper must submit the fees in chapter 1.40 prior to issuance of a pumper certificate of competency. Application for reinstatement following suspension or revocation requires submittal of the appropriate annual certificate and examination fees under chapter 1.40 by the pumper.

Chapter 5.55
ON-SITE SEWAGE SYSTEM PUMPER CERTIFICATION AND REPORTING REQUIREMENTS

Sections:

5.55.010 Purpose.
5.55.020 Background.
5.55.030 Pumper certification.
5.55.040 Pumper company certification.
5.55.050 Monitoring and maintenance inspection.
5.55.060 Reporting of monitoring and maintenance activities.
5.55.070 Limited repair measures.
5.55.080 Reporting of limited repairs.
5.55.090 Pumper's manual.

5.55.010 Purpose.

The Snohomish County Board of Health has adopted Code requirements regarding on-site sewage system (OSS) septic tank pumping, inspection and limited repair requirements. These procedures contain the specific requirements regarding certification of individuals and reporting of activities associated with OSS septic tank pumping, inspection and limited repair.

5.55.020 Background.

The following procedures are established pursuant to Chapter 5.50 SCBHC, prescribing minimum requirements for certification as an OSS septic tank pumper and prescribing minimum limited repair and reporting requirements related to OSS septic tank pumping and inspection activities. Nothing contained in this policy shall be construed to prevent the Health Officer from requiring compliance with more stringent requirements than those contained

herein where more stringent requirements are essential to maintain a safe and sanitary condition.

5.55.030 Pumper certification.

Each individual applying for certification and/or recertification must satisfy the following:

A. *Application and Testing.* Certification of pumper's competency shall be determined in the following manner:

1. The applicant must file notice of interest with the Health Officer.

2. Testing will be conducted by the Health Officer at a mutually agreed upon date and time. At the time of testing, an applicant for pumper certification of competency must submit an application and payment of the examination fee as set forth in chapter 1.40 SCBHC.

3. Testing will consist of two phases:

a. A written exam to determine the applicant's knowledge of public health problems involved in on-site treatment and disposal of sewage; of water and wastewater rules, regulations and policies; of these rules and regulations; and, of standards and procedures for septic tank maintenance and limited repair measures as contained in the septic tank pumper's manual. If the applicant scores below 70 percent on the written exam, the applicant fails that exam and must wait until the next scheduled examination to retake the exam, and may not continue with any other part of this examination.

b. A satisfactory oral review with the Health Officer of the test results completes the exam.

5.55.040 Pumper company certification.

Each company applying for certification and/or recertification must satisfy the following:

A. *Fees.* Fees as adopted by the Snohomish County Board of Health must be submitted prior to issuance of a pumper company certificate of competency. Application for reinstatement following suspension or revocation requires submittal of appropriate annual fee.

B. *Provider List.* Annual submittal of a list of certified pumpers who will be performing the work on the company's behalf. A minimum of one certified individual shall be required for each company.

C. *Contractor's License.* Each pumping company must hold a Washington State general contractor's license or applicable specialty contractor's license. A copy of the applicable valid contractor's license must be submitted to SCHD prior to initial certification and annually thereafter at time of certification renewal. Listing on any pumper provider list maintained and distributed by SCHD will be alphabetically by company name.

D. *Equipment Inspection.* Satisfactory review of the applicant's pumping equipment consistent with the equipment requirements established in the septic tank pumper's manual.

E. Be current and in good standing on all reports and submission fees.

5.55.050 Monitoring and maintenance inspection.

A complete and thorough evaluation of OSS components and the ground surface over the gravity subsurface soil absorption system (SSAS). The evaluation of proprietary and nonproprietary pretreatment devices, SSAS other than gravity and other related components such as timers, control panels and disinfection equipment must be deferred to a certified monitoring and maintenance specialist. The contents of the inspection will include, but will not necessarily be limited to:

A. Condition of the septic tank, pump tank and grease trap as well as determining the need for pumping.

B. Condition of baffles, lids, risers and filters.

C. Condition and operation of the pump, floats, alarm, valves, etc.

D. Visual observation of the gravity SSAS and monitoring ports if so equipped.

5.55.060 Reporting of monitoring and maintenance activities.

A. Individuals performing monitoring and/or maintenance activities as described in Chapter 246-272A WAC, Chapter 5.50 SCBHC and/or in the various recommended standards and guidance documents pertaining to OSS published by the Washington State Department of Health shall report the activities to SCHD within 30 days of completion in the manner herein described.

B. SCHD will maintain an electronic database for the purpose of submitting reports related to monitoring and maintenance of OSS as well as limited repair measures.

C. *Pumper's Report.* SCHD will develop and distribute an electronic minimum standard report form to be completed by the certified pumper upon servicing or inspection of an OSS. This report will be given to the property owner upon completion of work and an electronic copy forwarded to SCHD no later than 30 days from the date of service. A limited exception to this requirement is provided for discovery of OSS failure which must be reported to the Health Officer immediately. The contents of this report will include, but not necessarily be limited to:

1. Location of property.
2. Property tax number of property.
3. Owner of property.
4. Summary of work performed, including:
    a. Type of service performed (pumping vs. inspection, etc.).
    b. Gallons pumped.
    c. Condition of baffles, etc.
    d. Recording of ponding levels in monitoring ports.
5. Septage disposal location.
6. Name and certificate number of person performing the work.
7. Signature and date.

D. Reports must be accompanied by the appropriate fee as determined by the current fee schedule, as set forth in chapter 1.40 SCBHC.

5.55.070 Limited repair measures.

A pumper may perform limited repair measures. These are repairs to OSS components not directly associated with the treatment, distribution (with the exception of subsection (D) of this section) or absorption of the sewage and also as defined in WAC 246-272A-0200(2). In addition to those items defined as limited repair measures, for permitted OSS in which a record drawing exists, a certified pumper may also perform the following:

A. Repair of sewage transport lines.

B. Repair or replacement of pump, floats and/or baffle screen.

C. Clearing of blocked sewage transport lines.

D. Provided there exists an approved as-built for the system, repair or replace the distribution box (D-Box) on gravity systems.

5.55.080 Reporting of limited repairs.

The certified pumper or monitoring and maintenance specialist who performs a limited repair measure will be required to electronically submit a limited repair report outlining the work performed, including:

A. Location of property.

B. Property tax number of property.

C. Owner of property.

D. Summary of work performed, including:

1. Pump make and model.

2. Dose setting, etc.

E. Name and certificate number of person performing the work.

F. Signature and date.

5.55.090 Pumper's manual.

SCHD will develop and distribute a manual of minimum standards, procedures, and information for pumpers. The contents of this manual will include, but not necessarily limited to:

A. Safety;

B. Equipment;

C. Inspection and service procedures;

D. Basics of troubleshooting;

E. Possible causes of problems;

F. Types, functions, and replacements of baffles;

G. Types, functions, and replacements of pumps and switches;

H. Basics of systems types and functions;

I. Principles of user habits related to system function (i.e., water conservation, area landscaping, use of garbage grinders, use of additives, etc.);

J. Principles and requirements for approved disposal sites (dumping sites); and

K. Other applicable rules and regulations (i.e., septage hauling requirements, Washington State patrol requirements, etc.).

Chapter 5.60
ON-SITE SEWAGE DISPOSAL SYSTEM APPLICATION PERMIT AND INSTALLATION PROCEDURES

Sections:

5.60.010 Purpose.
5.60.020 Permit.
5.60.030 Installation.

5.60.010 Purpose.

The process herein described relates to the permit process for application proposals for construction of new on-site sewage disposal systems. This process does not apply to an application to repair, replace or alter an existing on-site sewage disposal system.

A. Application and review fees are received from a certified designer or engineer. A review is conducted in accordance with sewage disposal/water supply requirements and department procedures.

B. Issuance of the decision to approve or disapprove an application results in either an approved application or a denial. An approved application received after October 31, 2008, is valid for two years and can be renewed for an additional two-year period, with written concurrence from the system designer, review and approval from the Snohomish County Health Department (SCHD) and payment of a renewal fee.

5.60.020 Permit.

A. Upon receipt of a request for building permit clearance for the subject use from the city or county building department, a permit to install the approved on-site sewage disposal system will be approved for issuance providing the building department site plan and the SCHD site plan are compatible.

B. The on-site sewage disposal system is valid only when issued concurrently with the building/development permit. The permit will then remain valid for the term of the building/development permit. Expiration or termination of the building/development permit will cause the on-site sewage system permit to expire. Renewal of an expired on-site sewage disposal system will require submittal of a new application and payment of fees, as set forth in chapter 1.40 SCBHC.

C. In no case will an on-site sewage disposal system permit be issued prior to issuance of the building permit for the proposed structure.

5.60.030 Installation.

A. SCHD shall require certified installers to construct the on-site sewage disposal system, except as noted under SCBHC 5.40.080. In all cases, construction of the on-site sewage disposal system shall include system back fill and final grading.

B. The Health Officer may allow the owner of a single-family residence to install the on-site sewage system for his/her single-family residence when:

1. The on-site sewage system is a conventional gravity or LPD system;

2. A certified installer performs all installation work not done by the resident owner.

C. The installer shall:

1. Follow the approved design. Design revisions must have the concurrence of the designer and SCHD before commencing work.

2. Have the approved design and permit in possession during installation.

3. Be on the site at all times during the construction of the on-site system.

4. Install the on-site system to be watertight, except for the disposal component.

5. Cover the installation only after the local Health Officer has given approval to cover.

6. Back fill and grade the site to prevent surface water from accumulating over any component of the on-site system.

Chapter 5.65
SYSTEM PERMIT APPLICATION DESIGN AND RECORD DRAWINGS (AS-BUILT) STANDARDS

Sections:

5.65.010 Purpose.
5.65.020 Site identification and preparation.
5.65.030 Application and design procedures.
5.65.040 Record drawings (as-built) procedure.
5.65.050 Deficiencies.

5.65.010 Purpose.

A completed application shall consist of adequate written and physical site information to support the issuance of a permit for on-site sewage disposal. Such information must be presented in the prescribed written format and the proposed site prepared in sufficient detail to allow visual examination of its characteristics. A uniform presentation format is intended to provide consistent evidence of compliance with Chapter 246-272A WAC, On-Site Sewage Disposal Systems.

5.65.020 Site identification and preparation.

A. Property line shall be identified by corner flagging.

B. Access to on-site sewage disposal system site shall be flagged and identified with applicant's name, or property tax account number.

C. The path to the on-site sewage disposal system site shall be flagged and cleared.

D. Drainfield and reserve area must be sufficiently cleared so as to make ground surface contours easily observable. Further staking of proposed laterals may be necessary to demonstrate the feasibility of installation.

E. All soil test holes shall be flagged and numbered to correspond with the lot number and soil log number as shown on the design. If soil test holes are part of a proposed short plat, test hole identification shall include the proposed lot number.

1. Soil log test holes shall be placed so as to demonstrate representative soil types in the on-site sewage disposal system area and reserve area.

2. Provide for each single-family dwelling a minimum of three soil logs in representative parts of the on-site sewage disposal system area and two soil logs in the reserve area. Drainfield areas other than for a single-family residence must have at least two soil logs for every 500 square feet of disposal area and in no case shall there be less than four soil test holes.

3. Separate these holes by at least 50 feet.

4. Soil test holes shall be constructed, identified and maintained to prevent injury or damage to the general public.

5. Soil log holes must be dug to the appropriate depth to justify meeting current minimum vertical separation requirements.

6. The holes shall be of sufficient diameter for the reviewer to obtain representative samples from the soil profile and determine soil color, texture, structure of each horizon and the water table.

7. Soil test holes must be kept open for inspection until review by a representative from SCHD.

8. After SCHD application review has been completed, the property owner/designer is responsible for backfilling and covering soil test holes on the property.

9. Additional tests, such as percolation tests, sieve analysis, hydrometer tests, and bulk density determinations may be required if in the opinion of the Health Officer they are necessary for proper soil evaluation of a specific site. Percolation tests shall be conducted in accordance with the Falling Head Percolation Test Procedure as outlined in the EPA Design Manual, 1980, Table 3-8.

10. All soil tests must be performed in a manner consistent with the requirements of the Department of Health (DOH) Interim Soil Evaluation Guidelines (Nov. 1979).

F. If a mound system or any other type of bed is being proposed, the four corners of the mound basal area or bed corners shall be staked or flagged and labeled as “mound corner” or “bed corner.” Additionally, the mound or bed reserve area shall be flagged or staked and identified.

5.65.030 Application and design procedures.

A. Complete the application for an on-site sewage disposal system permit form including, but not limited to:

1. Directions to the subject property (include vicinity map if needed);

2. Address or approximate address of property;

3. Name of current owner and name of system designer;

4. Type of building proposed. If other than single-family residence, include estimated daily wastewater flow;

5. Classifications used for logs of subsurface soil conditions shall be in USDA Soil Conservation Service terminology such as sandy loam, clay loam, medium sand, hardpan, rock, etc. Any evidence of a seasonal water table including color and mottling must be noted and described. These soil log notes must be attached to the application for review and verification.

6. *Source of Domestic Water.*

a. If public water (any source other than an individual supply serving one single-family residence) is provided, identify by name and include a letter from the purveyor confirming water availability and commitment to serve.

b. If an individual water supply (well) is proposed, the proposed well site must be shown on the design in relation to the proposed drainfield areas. In addition, a well site application (detailing the well site and its 100-foot pollution control zone) may be submitted for concurrent review.

7. Trench depth, width and required square footage of drainfield laterals.

8. If an alternative system is proposed, include all information, construction details, calculations, etc., as required in the DOH Guideline as well as any specific SCHD requirement.

9. Signature of designer and date of field testing.

10. Any redesign submittals reflecting changes to the application cover sheet must be accompanied by a new, original carbon application form (not copies).

B. Complete and submit four copies of an on-site sewage disposal system design and plot plan and include:

1. The plot plan is to be dimensioned and drawn to a scale which shows one inch to be equal to no more than 30 feet. Indicate compass direction by using a north arrow. If the entire parcel/lot cannot be included on a one inch equals 30 feet scale, an overall plot plan of the lot including location of residence, drainfield and easement (if proposed) shall be required in a smaller scale in addition to the one inch equals 30 feet (i.e., one inch equals 100 feet).

2. If a short plat is proposed an overall plot plan indicating the layout of the lots (in relation to each other) shall be submitted in addition to the individual designs.

3. Show elevations at soil test holes and topographical contours at two feet intervals in the drainfield and reserve area.

4. Show wells, other sources of potable water and other surface water bodies within 100 feet of property lines.

5. Identify and show location of soil test holes.

6. The proposed on-site sewage disposal system and proposed site of the structure shall be located by giving dimensions to at least two intersecting property lines. Show driveway parking and any other proposed paving locations.

7. Any proposed well site shall be shown together with the minimum circular area of protection having a radius no less than 100 feet.

8. Construction plan specifications to include:

   a. Plumbing stub-out elevation in relation to a documented reference point.

   b. A minimum and maximum trench depth.

   c. An expected amount of cover soil required.

   d. The lateral lengths and method of distribution.

   e. Location of interceptor, curtain or footing drains, dosing system specifications, etc.

9. Show all required separations as required by WAC 246-272A-0210, Location.

10. All drainfield laterals shall be shown as dashed lines, with tightlines shown as solid lines.

11. Reserve area boundaries shall be labeled and shown by outlining, or by shading of the area or showing the laterals using double dashed lines and identifying as reserve.

12. If an alternative system is proposed include all information, construction details, calculations, etc., as required in the applicable DOH guideline together with any specific SCHD requirements.

13. Design on sloping sites greater than 10 percent shall include a trench/slope cross-section detail demonstrating compliance with minimum vertical separation and trench depth requirements.

5.65.040 Record drawings (as-built) procedure.

Whenever a designer has approved an installation, a completely scaled and dimensional as-built plan of the approved sewage disposal system shall be prepared in triplicate by the designer of the system. Record drawing forms, provided by SCHD shall be completed and signed by the designer and, within 30 days, forwarded to SCHD In addition to the requirements outlined in WAC 246-272A-0265, the following plan details are required:

A. Location of the essential components of the sewage disposal system including:

1. Septic tank;

2. All plumbing stub outlets;

3. Tightline between buildings and septic tank;

4. Tightline between septic tank and distribution box, inspection box or drainfield line;

5. Distribution box;

6. All drainfield lines. The length of each individual drainfield shall be shown together with the total number of lineal feet of drainfield line;

7. The location of any construction feature, such as a stepdown, must be clearly indicated;

8. Distances between drainfield lines and the edges of any cuts, banks, property lines, lakes, streams, wells, driveways, water lines, fills, interceptor ditches;

9. Location, size, shape and placement of all structures on the building site showing their relative location to the sewage disposal system and to any easements, water service supply lines, property lines, etc.;

10. Location, direction of flow, and discharge point of all ground or surface water interceptor drains;

11. Orientation of drawing with north direction by arrow;

12. Pump model number and manufacturer if applicable;

13. Pump chamber size and dose volume if applicable;

B. Alternative system as-builts shall include applicable items described in subsection (A) of this section together with an owner's operational manual as required in the appropriate DOH guideline and as specified in the conditional approval letter.

C. Location, size and dimensions of the 100 percent reserve area shall be shown in relation to the sewage disposal system components, listed in subsection (A) of this section.

D. If the reserve area is designated as a mound system, the configuration shall be shown and clearly identified as mound system/reserve.

E. Clearly indicate scale. Recommended scale is one inch equals 20 feet. Scales utilizing ratios in excess of one inch equals 30 feet are not acceptable.

F. If the entire parcel/lot cannot be included on a one inch equals 30 feet scale, an overall plot plan of the lot including house and drainfield location as well as the easement (if necessary) shall be required in addition to the detail one inch equals 30 feet design.

5.65.050 Deficiencies.

Failure to meet all of the above requirements may result in further submittal/inspection and/or payment of additional fees.

Chapter 5.70
ON-SITE SEWAGE SYSTEM MONITORING AND MAINTENANCE SPECIALIST CERTIFICATION PROGRAM

Sections:

5.70.010 Purpose and authority.
5.70.020 Applicability.
5.70.030 Definitions.
5.70.050 Certificate required.
5.70.060 Reporting requirements.
5.70.070 Duties and obligations.
5.70.080 Continuing education.
5.70.090 Monitoring and maintenance specialist certification.
5.70.150 Monitoring and maintenance company certification.

5.70.160 Reporting of monitoring and maintenance activities.
5.70.170 Limited repair measures.
5.70.180 Reporting of limited repairs.

5.70.010 Purpose and authority.

A. *Purpose.* Pursuant to WAC 246-272A-0340 the following administrative procedure is adopted. The purpose of the monitoring and maintenance specialist program, and the underlying rules, regulations and policies thereto, is to establish minimum competency standards, including certification requirements, for individuals and companies engaged in the practice of monitoring and maintaining on-site sewage disposal systems (OSS) within the jurisdiction of the Snohomish County Health Department (SCHD) as well as establishing minimum requirements for the reporting of activities and observations associated with OSS monitoring and maintenance.

B. *Authority.* The Health Officer and local Board of Health shall administer these regulations under authority and requirements of Chapters 43.20 and 70.05 RCW, as well as Chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0340 an allowance for the establishment of the monitoring and maintenance program.

5.70.020 Applicability.

The following rules contained herein shall apply to all persons and companies engaged in the commercial activity of monitoring and/or maintaining all or any part of an OSS.

5.70.030 Definitions.

In addition to the definitions found in WAC 246-272A-0010 and in any supplemental on-site sewage disposal regulations of SCHD and in any of the recommended standards and guidance documents published by the Washington State Department of Health pertaining to OSS, the following shall apply:

"Certification by reciprocity" means current certification or licensure as a monitoring and maintenance specialist in a local health jurisdiction with an examination process deemed acceptable by the SCHD Director of Environmental Health.

“Certified company” means a business entity which employs individuals possessing a monitoring and maintenance specialist certification.

“Installer” means an individual who personally holds an SCHD installer certificate of competency.

“Limited repair measure” means repairs to OSS components not directly associated with the treatment, distribution or absorption of the sewage and as defined in WAC 246-272A-0200(2). “Limited repair measures” may also include other incidental activities enumerated within the supplemental procedures or for which prior approval has been granted by SCHD.

“Limited repair report (for limited repair measures)” means a documentation of work performed, submitted in the format and by the means designated by the Health Officer within 30 days from the date of service in accordance with SCBHC 5.70.180.

“Monitoring and maintenance specialist” means an individual who personally holds a monitoring and maintenance certificate of competency and performs the actual work of monitoring, maintaining, and limited repairs of on-site sewage treatment and disposal systems.

“Monitoring and maintenance specialist certificate of competency” means a document issued by SCHD indicating an individual’s satisfactory completion of the application and testing procedures relative to OSS operation, monitoring and maintenance.

Professional Development Hour (PDH). One PDH is equivalent to one hour participation in trainings or seminars where the major topic is related to OSS regulations, practices or products.

“Pumper” means an individual who personally holds an SCHD pumper certificate of competency.

“Violation” means the omission of any significant element of an on-site sewage disposal system monitoring inspection or maintenance activity which, if left uncorrected, may result in the malfunction of the wastewater treatment or disposal system, or would allow the use of the system to circumvent required treatment and disposal of wastewater. Also, the failure to truthfully report all pertinent observations and activities associated with the monitoring and maintenance of an OSS, including the failure to electronically submit reports to SCHD within 30 days of the conclusion of a monitoring and/or maintenance activity including limited repair measures.

“Violation notice” means a written determination that the named monitoring and maintenance specialist and/or certified company has committed a violation of these rules or regulations and associated supplemental procedures.

“WOSSA” means the Washington On-Site Sewage Association.

5.70.050 Certificate required.

A. No person shall engage directly or indirectly in the activity of monitoring and/or maintaining all or any part of an OSS without first having obtained a monitoring and maintenance specialist certificate of competency from SCHD. A limited exception to this requirement is granted to SCHD certified pumpers, installers, and State Department of Licensing licensed designers for the purpose of performing monitoring and maintenance on conventional gravity OSS where no pretreatment or disinfection is employed.

B. A monitoring and maintenance specialist certificate of competency shall be nontransferable.

C. A monitoring and maintenance specialist may perform limited repair measures.

D. Each certified individual shall conduct his or her work in the employ of a certified company appropriate to the work performed and provide to SCHD the name of the certified company with which they are employed and shall notify SCHD within 30 days of any employment changes.

E. When complying with the requirements of this chapter, the certified individual represents the certified company with which he or she is employed. The certified company, as well as the certified individual, may be subject to disciplinary action for violating the requirements of this chapter.

5.70.060 Reporting requirements.

A. *Operating OSS.* The owner of each operating OSS is responsible for ensuring that the system is monitored and maintained, with reports submitted to SCHD , in accordance with the requirements of Chapter 246-272A WAC, the applicable Washington State Department of Health Recommended Standards and Guidance for Performance, Application, Design, and Operation and Maintenance document, and the SCHD rules and regulations contained within this Chapter.

B. Certified individuals shall report the failure of an OSS to the Health Officer immediately.

5.70.070 Duties and obligations.

By virtue of performing OSS maintenance, a monitoring and maintenance specialist incurs the obligation to comply with the minimum requirements for OSS which includes proper OSS monitoring and maintenance in conformance with SCHD standards. These standards include

any applicable SCHD policies, Chapter 246-272A WAC and Washington State Department of Health recommended standards and guidance. Further, it is the monitoring and maintenance specialist's responsibility to be knowledgeable regarding any proprietary or public domain technologies they monitor or maintain. All maintenance work and associated records are subject to SCHD inspection and review to determine compliance with these requirements.

5.70.080 Continuing education.

Beginning January 1, 2014, each individual holding a monitoring and maintenance specialist certificate of competency shall obtain 10 PDHs per year, beginning with the first year in which they are certified for greater than 10 months. PDHs earned in excess of the 10 per year requirement may be carried over to the next calendar year. PDHs carried over expire December 31 of the year they are carried over to. It is the monitoring and maintenance specialist's responsibility to maintain adequate records concerning PDHs. SCHD reserves the right of auditing PDHs at time of certificate of competency renewal.

5.70.090 Monitoring and maintenance specialist certification.

A. *Qualification and Experience.* Under these regulations, an individual applying for monitoring and maintenance specialist certification and/or recertification shall be subjected to testing, as is further defined herein, as well as be obligated to satisfy contractor licensing requirements as referenced. Each individual applying for certification as a monitoring and maintenance specialist must demonstrate the equivalent of two years' work experience related to OSS design and/or installation. A determination by Health Department staff that an individual does not satisfy the qualification and experience requirements of this section, may be appealed to the Director of Environmental Health whose decision shall be final and not subject to administrative appeal under chapter 1.20 SCBHC, right of appeals.

B. *Term.* A monitoring and maintenance specialist certificate of competency shall run from the date of issue concurrent with the calendar year, and will expire on December 31 of the year unless otherwise suspended or revoked.

C. *Examination.* Each individual applying for certification as a monitoring and maintenance specialist must receive, within the past 12 months, either:

1. A score of 70 percent or greater for each exam portion on the WOSSA administered O&M specialist examination. Scores may not be combined to achieve 70 percent; or

2. A passing score on an examination administered by a local health jurisdiction, as determined by that jurisdiction, to be deemed relevant to the knowledge expectations of SCHD.

D. *Issuance.* A certificate will be issued by the Health Officer to qualified individuals who have passed the necessary written examination, experience verification, and otherwise complied with the other licensing and bonding requirements contained herein so as to demonstrate that said candidate appears to be qualified to monitor and maintain sewage disposal systems consistent with SCHD standards. This certification does not constitute a guaranty, a warranty, or any representation by SCHD relative to the specific work or performance of the certificate holder.

1. A new certificate shall be issued upon:

a. Determination of competency through testing and experience verification as described above.

b. Proof of possession of a current, valid general or specialty contractor license issued by the state of Washington.

c. Application submittal and payment of the annual certification fee as set forth in chapter 1.40 SCBHC.

2. A renewal monitoring and maintenance specialist certificate of competency will be issued to a holder of an expired monitoring and maintenance specialist certificate upon receipt of payment not later than March 1 of the next certificate year. A late fee, as prescribed in the current fee schedule, shall be imposed on applications for renewal received later than that date. After March 31 the certificate will be nonrenewable and the maintainer must apply for new certification. OSS monitoring and maintenance may not be performed by any provider until the renewal application is completed and the annual fee is paid.

E. *Suspension and Revocation – General Information.* The Health Officer may suspend or revoke any monitoring and maintenance specialist certification of competency upon making the determination that the holder has performed with negligence, incompetence, misrepresentation, or violation of the rules, regulations, guidelines, policies, or practices adopted by SCHD which pertain to water supply and wastewater disposal, either existing at the time of certification or as thereafter enacted.

F. *Suspension.* A certificate may be suspended by the Health Officer for any of the following reasons:

1. *Violation.* When the SCHD Health Officer finds that the monitoring and maintenance specialist has committed a significant violation of the regulations, principles, or practices of OSS monitoring and maintenance, a notice of violation shall be issued. The monitoring and maintenance specialist shall be notified by certified and regular mail of the issuance of the violation notice. Where such violation notice constitutes the third notice of violation within

any 12-month period, the monitoring and maintenance specialist shall also be notified of the immediate suspension of the monitoring and maintenance specialist certificate.

2. Upon finding that the conditions of monitoring and maintenance specialist certification are no longer in effect, specifically the maintenance of the Washington State contractor's license, or by the abandonment of the occupation either by relocation out of state, or by inactivity for more than one year, the certification shall be suspended. The monitoring and maintenance specialist shall be notified by certified and regular mail of the immediate suspension of the monitoring and maintenance specialist certificate of competency.

3. For committing a violation that would allow the existence of a real or potentially serious threat to the public health or to the quality of surface and groundwaters, or for making any serious, material misrepresentation or omission of major facts as part of the reporting of activities associated with the monitoring or maintenance of any OSS.

G. *Reinstatement of Suspension.*

1. The monitoring and maintenance specialist shall make written application for reinstatement to the Health Officer, specifying what practices, performance, and conditions that were named as grounds for suspension have been remedied, and a description of changes in performance that will occur which will directly avoid the repetition of past violations.

2. The Health Officer, upon determining that noted deficiencies have been satisfactorily addressed, shall schedule the monitoring and maintenance specialist for participation in the next available test. Recertification is subject to the monitoring and maintenance specialist's successful completion of the application and testing procedure and payment of testing and licensing fees as per subsections (C) and (D) of this section.

3. Upon proof of reinstatement of the performance bond or contractor's license, where that is the only fault, the certificate of competency can be immediately reinstated by the Health Officer.

H. *Appeal of Suspension.*

1. Appeals of a suspension of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

2. Suspension of the certificate will be stayed pending outcome of the final hearing unless, in the opinion of the Health Officer, there exists an imminent health hazard that would result from the continued activity of the maintainer.

I. *Revocation.* The certificate may be revoked for any of the following reasons:

1. A violation of a severity and magnitude that, in the opinion of the Health Officer, warrants immediate revocation. Including but not limited to the following actions:

a. The creation of an extremely serious health hazard.

b. The concealment of major facts or pertinent information regarding maintenance activities.

c. Allowing another to submit reports using the name on the monitoring and maintenance specialist certificate.

d. By using the name of another certificate holder; fraudulent representation.

e. Asserting undue influence on or interference with SCHD staff.

2. When notification of the monitoring and maintenance specialist through the violation notice process has resulted in the issuance of a notice of violation beyond the second suspension of certification, the certificate shall be subject to revocation by the Health Officer.

3. Once revoked, a certificate of competency will not be granted to an individual at any time within the subsequent three-year period from the date of notification.

4. The Health Officer will not revoke a certificate until an opportunity has been provided for an administrative review before the Health Officer or the Health Officer's designee. Certificates shall be revoked through issuance of a Health Officer's order, to be mailed to the certificate holder by regular and certified mail. Appeals of a revocation of a certificate of competency shall be conducted in accordance with chapter 1.20 SCBHC.

J. *Monitoring or Maintaining without Certification.* An individual found to be engaging in the business of OSS monitoring or maintenance without requisite certification shall be notified by the Health Officer, by certified mail, of these requirements. If eligible, the individual is to submit for examination at the next regularly scheduled time. Refusal to comply with these requirements will then make the individual ineligible for certification for three years.

K. *Fees.* An applicant must submit payment of the fees, as adopted by the Board of Health in chapter 1.40 SCBHC, prior to issuance of a monitoring and maintenance specialist certificate of competency. Application for reinstatement following suspensions or revocation requires submittal of appropriate annual certificate fees by the applicant under chapter 1.40 SCBHC.

L. *Professional Development Hours (PDHs).* Signature confirmation concerning earned PDHs must be provided on the appropriate form(s) at time of certification renewal. SCHD may audit up to 20 percent of the applicants in any calendar year concerning their PDHs by being required to document their participation in the listed events as a condition of renewal. Any individual thus audited will not be audited in the next calendar year.

M. The monitoring and maintenance specialist must be current and in good standing on all reports and submission fees.

5.70.150 Monitoring and maintenance company certification.

Each company applying for certification and/or recertification must satisfy the following:

A. *Fees.* Fees, as adopted by the Board of Health in chapter 1.40 SCBHC, must be submitted prior to issuance of a monitoring and maintenance company certificate of competency. Application for reinstatement following suspension or revocation requires submittal of appropriate annual fee.

B. *Provider List.* Annual submittal of a list of certified providers who will be performing the work on the company's behalf. A minimum of one certified individual shall be required for each company.

C. *Contractor's License.* Each monitoring and maintenance company must hold a Washington State general contractor's license or applicable specialty contractor's license. A copy of the applicable valid contractor's license must be submitted to SCHD prior to initial certification and annually thereafter at time of certification renewal. Listing on any monitoring and maintenance provider list maintained and distributed by SCHD will be alphabetically by company name.

D. Be current and in good standing on all reports and submission fees.

5.70.160 Reporting of monitoring and maintenance activities.

A. Individuals performing monitoring and/or maintenance activities as described in Chapter 246-272A WAC, Snohomish County Board of Health Code and/or in the various Recommended Standards and Guidance documents pertaining to OSS published by the Washington State Department of Health shall report the activities to SCHD within 30 days of completion in the manner herein described.

B. SCHD will maintain an electronic database for the purpose of submitting reports related to monitoring and maintenance of OSS as well as limited repair measures.

C. Reports must be submitted electronically and in the format prescribed by SCHD. At a minimum, reports must include the following:

1. Address of property.

2. Parcel number of property.

3. Owner of property.

4. Description of work performed, including:

   a. A complete and thorough evaluation of each system component.

   b. Any adjustments or calibrations performed on the system and related components.

   c. Limited repair measures as described in SCBHC 5.70.170.

   d. Replacement or repair of proprietary system components.

5. Name and certificate number of person performing the work.

6. Signature and date.

D. Reports must be accompanied by the appropriate fee as set forth in chapter 1.40 SCBHC.

5.70.170 Limited repair measures.

A monitoring and maintenance specialist may perform limited repair measures. These are repairs to OSS components not directly associated with the treatment, distribution (with the exception of subsection (E) of this section) or absorption (with the exception of subsection (D) of this section) of the sewage and also as defined in WAC 246-272A-0200(2). In addition to those items defined as limited repair measures, for permitted OSS in which a record drawing exists, a certified monitoring and maintenance specialist may also perform the following:

A. Repair or replacement of sewage effluent transport lines.

B. Replacement or repair of disinfection equipment such as ultraviolet light bulbs and related components.

C. Recalibration and adjustment of timer mechanisms.

D. Provided there exists an approved as-built for the system, repair up to six lineal feet of damaged OSS dispersal line in the original location where the damage occurred.

E. Provided there exists an approved as-built for the system, repair or replace the distribution box (D-Box) on gravity systems.

5.70.180 Reporting of limited repairs.

Documentation of work performed by the monitoring and maintenance specialist, submitted to SCHD in electronic format within 30 days from the date of service. The certified monitoring and maintenance specialist who performs a limited repair measure will be required to submit a limited repair report accurately describing the work performed, including:

A. Address of property.

B. Parcel number of property.

C. Owner of property.

D. Description of work performed, including:

1. Any adjustments or calibrations performed on the system and related components such as changes to timer and dose settings.

2. A list of system components that are replaced or added including the name of the manufacturer and model number.

3. A list of components that were repaired along with an accurate description of the work performed.

E. Name and certificate number of person performing the work.

F. Signature and date.

Tables

State Code Citation Table

This table lists Revised Code of Washington and Washington Administrative Code sections that are cited in the Snohomish County Board of Health Code. Thus, RCW 70.05.060 is cited in SCBHC 1.05.010.

State Citation	Code Section
RCW 7.80.120	2.15.110
Chapter 18.210 RCW	5.70.100
RCW 19.27.097	4.25.040 4.31.040
RCW 26.28.080	2.75.030
RCW 35.21.500	1.03.010
RCW 35.21.500 – RCW 35.21.570	1.03.020
RCW 35.21.550	1.03.040
RCW 39.34.020	5.25.050
Chapter 42.56 RCW	1.25.010
Chapter 43.20 RCW	2.60.010 5.40.010 5.50.010 5.70.010
Chapter 64.44 RCW	2.55.010 2.60.010 2.60.030 2.60.050 2.60.060 2.60.070 2.60.080 2.60.090
RCW 64.44.020	2.60.060
RCW 64.44.030	2.60.060
RCW 64.44.040	2.60.090
RCW Title 70	2.75.040

State Citation	Code Section
Chapter 70.05 RCW	2.15.010 2.60.010 2.70.010 2.70.020 2.75.010 2.75.020 5.40.010 5.50.010 5.70.010
RCW 70.05.010	1.05.020
RCW 70.05.010(2)	3.10.010
RCW 70.05.050	1.05.020
RCW 70.05.060	1.05.010 4.05.030 4.25.010 4.40.010 5.15.010 5.20.010 5.25.010
RCW 70.05.070	1.05.030 4.05.030
Chapter 70.90 RCW	4.15.005
RCW 70.90.125	4.05.030
Chapter 70A.205 RCW	2.15.010 3.10.040
Chapter 70A.228 RCW	2.15.190
Chapter 70A.300 RCW	2.15.040
Chapter 70.160 RCW	1.20.010 1.20.030 1.20.070 2.70.010 2.70.020
RCW 70.160.075	2.70.030

State Citation	Code Section
Chapter 173-160 WAC	4.25.030 4.25.040 4.31.030
WAC 173-160-141	4.40.030
Chapter 173-240 WAC	3.10.020
Chapter 173-301 WAC	3.10.040
Chapter 173-303 WAC	2.15.040 2.15.180 2.15.210 2.15.220
WAC 173-303-090	2.15.040
WAC 173-303-100	2.15.040
Chapter 173-304 WAC	2.15.040 2.30.010
Chapter 173-340 WAC	2.15.220
Chapter 173-350 WAC	2.15.010 2.15.060 2.15.080 2.15.220 2.20.010
WAC 173-350-020	2.15.020
WAC 173-350-025	2.15.140
WAC 173-350-030	2.15.030
WAC 173-350-040	2.15.040 2.15.150
WAC 173-350-100	2.15.040 2.15.210
WAC 173-350-200	2.15.230
WAC 173-350-210	2.15.240
WAC 173-350-220	2.15.250
WAC 173-350-230	2.15.260
WAC 173-350-240	2.15.270

State Citation	Code Section
WAC 173-350-300	2.15.160 2.15.200
WAC 173-350-300(3)	2.15.160
WAC 173-350-310	2.15.280
WAC 173-350-320	2.15.300
WAC 173-350-330	2.15.310
WAC 173-350-350	2.15.320
WAC 173-350-360	2.15.210 2.15.290
WAC 173-350-400	2.15.340
WAC 173-350-410	2.15.350
WAC 173-350-490	2.15.370
WAC 173-350-500	2.15.310 2.15.340 2.15.380
WAC 173-350-600	2.15.290 2.15.320 2.15.340 2.15.390
WAC 173-350-700	2.15.060
WAC 173-350-710	2.15.070 2.15.090
WAC 173-350-715	2.15.070 2.15.100
WAC 173-350-900	2.15.400
WAC 173-350-990	2.15.410
Chapter 173-351 WAC	2.15.010 2.15.330 2.15.380 2.25.010
WAC 173-351-020	2.15.020 2.15.030

State Citation	Code Section
WAC 173-351-100	2.15.040
WAC 173-351-600	2.15.390
WAC 173-351-700	2.15.060
WAC 173-351-700(4)(b)	2.15.160
WAC 173-351-710 – WAC 173-351-750	2.15.070
Chapter 246-203 WAC	2.15.010 2.15.170
Chapter 246-205 WAC	2.50.010 2.60.010 2.60.030 2.60.040 2.60.050 2.60.060 2.60.070 2.60.080 2.60.090
WAC 246-205-010	2.60.020
WAC 246-205-531	2.60.060
WAC 246-205-540	2.60.060
WAC 246-205-541	2.60.020
Chapter 246-215 WAC	2.35.010 3.15.100
Chapter 246-260 WAC	3.15.110 4.05.010 4.05.020 4.15.005 4.15.030 4.15.040 4.15.050 4.15.070
WAC 246-260-090(31)(b)	4.05.020
WAC 246-260-180	4.05.030

State Citation	Code Section
Chapter 246-262 WAC	4.10.010
	4.15.005
	4.15.030
	4.15.040
	4.15.050
	4.15.070
Chapter 246-272 WAC	3.10.020
	3.15.080
Chapter 246-272A WAC	5.05.010
	5.15.010
	5.15.020
	5.15.030
	5.15.040
	5.20.020
	5.20.040
	5.40.010
	5.50.010
	5.50.020
	5.50.040
	5.50.050
	5.55.060
	5.65.010
	5.70.010
	5.70.060
	5.70.070
	5.70.160
WAC 246-272A-0010	5.20.060
	5.40.020
	5.50.020
	5.70.030
	5.70.130
WAC 246-272A-0010(2)	5.20.090
WAC 246-272A-0015(9)	5.15.010
	5.20.010

State Citation	Code Section
	5.25.010
WAC 246-272A-0200(2)	5.50.020 5.55.070 5.70.030 5.70.170
WAC 246-272A-0210	5.65.030
WAC 246-272A-0220	5.20.080
WAC 246-272A-0220(3)	5.20.080
WAC 246-272A-0265	5.65.040
WAC 246-272A-0310	5.50.010
WAC 246-272A-0320	5.20.070 5.20.080
WAC 246-272A-0320(2)(b)	5.20.070 5.20.080
WAC 246-272A-0340	5.40.010 5.50.010 5.70.010
Chapter 246-272B WAC	5.25.050
Chapter 246-290 WAC	3.10.030 3.15.050 4.40.090
WAC 246-290-310	4.31.040
Chapter 246-291 WAC	4.25.030 4.31.030
Chapter 246-366 WAC	3.20.010
Chapter 296-65 WAC	2.15.180

Section 2. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance shall be held invalid or unconstitutional by a court of

competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

Section 3. Effective date. This ordinance shall take effect on November 1, 2023.

PASSED this ____ day of _____, 2023.

SNOHOMISH COUNTY BOARD OF HEALTH
Snohomish County, Washington

_____
Chairperson

ATTEST:

_____
Clerk of the Board

Approved as to form only:

_____
Deputy Prosecuting Attorney