



# **SNOHOMISH COUNTY**

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## **HEALTH DEPARTMENT**

### **SNOHOMISH COUNTY BOARD OF HEALTH AGENDA**

May 14, 2024  
3:00 PM

Auditorium, 3020 Rucker Ave, Everett, WA 98201 or Remote;;  
<https://us02web.zoom.us/j/87098263636>

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- 1. Call to Order**
  - 2. Roll Call**
  - 3. Approval of Agenda Contents and Order**
  - 4. Approval of Minutes**
    - a. Approval of Minutes of the Regular Meeting of April 9, 2024
  - 5. Public Comment**
  - 6. Special Briefing**
    - a. School-Based Health Centers - Special Presentation by Joe Vessey, CEO of Community Health Centers of Snohomish County (no staff report)
  - 7. Briefings**
    - a. Prevention Services - Child Fatality Review (SR 24-012; Wendy Burchill)
    - b. Ordinance BOH24-02 Reorganizing the Board of Health Code (SR 24-008C; Ragina Gray)
    - c. Board of Health Code: Administrative Rules (SR 24-011B; Nicole Thomsen)
    - d. Snohomish County Ordinance 24-011: Testing of County-Owned Housing Facilities
  - 8. Information Items**
    - a. Upcoming Meetings
  - 9. Adjournment**
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**Board of Health members:**

Jared Mead, Megan Dunn, Heather Logan, Joseph Hund, Lisa George, Janet Anderberg, Desmond Skubi, Julie Smith-Hopkins

The public is invited to attend. Parking and meeting rooms are accessible for persons with disabilities. Questions or additional information about the board meeting may be obtained by contacting Sarah de Jong at 425.339.5210; Relay: 711; Email [sarah.dejong@co.snohomish.wa.us](mailto:sarah.dejong@co.snohomish.wa.us). To request reasonable accommodations, please contact Ms. de Jong by the Friday prior to the board meeting. It's customary at each regular meeting of the full Board to include an assigned period for public comment from individuals present at the meeting. Generally, the public comment occurs near the beginning of the meeting and comments are limited to no more than three minutes per person. The Chair of the board may, as circumstances require at each meeting, reduce the time allotted to individuals or reduce the overall time assigned for public comments.



Approval of Minutes of the Regular Meeting of April 9, 2024

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**Division:**

Office of the Director / Sarah de Jong, Clerk of the Board

**Prior Board Review:**

None

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**ATTACHMENTS:**

Description

- Draft Minutes - April 9, 2024

**Snohomish County Board of Health  
Board of Health Minutes  
April 9, 2024**

The regular meeting was held in the auditorium of the Rucker Building and via Zoom conference call/video.

**Members Present**

Megan Dunn, County Councilmember, Board Chair (In person)  
Heather Logan, Councilmember, Arlington, Board Vice Chair (Virtual)  
Julie Smith (In person)  
Janet Anderberg (Virtual)  
Lisa George (Virtual)  
Joseph Hund, Councilmember, Sultan (Virtual)  
Desmond Skubi (In person)  
Jared Mead, County Councilmember (Virtual)

**Members Absent**

None

**Comings and Goings**

Lisa George arrived at 3:04 p.m.

**Call to Order**

The regular meeting of the Board of Health was called to order using a hybrid setting at 3:00 p.m. by Ms. Megan Dunn.

**Roll Call**

Roll call was taken by Ms. Sarah de Jong who reported there was a quorum present.

**Approval of Agenda Contents and Order**

Mr. Desmond Skubi requested an item concerning methamphetamine testing in shelter facilities be added to the agenda as an information item.

It was moved by Ms. Heather Logan and seconded by Mr. Joseph Hund to approve the agenda contents and order as amended. The motion passed with seven ayes, zero nays, and one absent (George).

**Approval of Minutes**

It was moved by Ms. Logan and seconded by Mr. Desmond Skubi to approve the minutes of the regular meeting of March 12, 2024. The motion passed with seven ayes, zero nays, and one absent (George).

**Public Comment**

Ms. Dunn opened the floor for public comment. No one from the public volunteered to speak and Ms. Dunn closed public comment.

**Public Hearing – Ordinance BOH24-01 relating to health department fees; amending chapter 1.40 of the Snohomish County Board of Health code (SR 24-007B; Ragina Gray)**

Ms. Ragina Gray shared that no changes have been made to the environmental health fee schedule and no written public comment was received regarding the proposed changes.

Chair Dunn opened public hearing on the Board of Health code. No member of the public volunteered to speak and Chair Dunn closed the public hearing.

It was moved by Mr. Skubi and seconded by Ms. Logan to approve that the Board adopt the proposed changes to the fee schedule as presented in the packet. The motion passed with eight ayes, zero nays, and zero absent.

It was moved by Ms. Logan and seconded by Mr. Hund to approve the ordinance of the environmental health fees as presented. The motion passed with four ayes, zero nays, and zero absent.

**Briefings**

*Environmental health 2024 code plan updates (SR 24-009B; Robert Evjue)*

Mr. Robert Evjue, Environmental Health specialist, walked through the code reorganization proposal for the Board of Health code which would involve repealing and replacing the current code with the reorganized version. Board members discussed possible changes to the title of the proposed section regarding camps.

*Prevention services – vaccine preventable disease (SR 24-009; Kaija Corry)*

Ms. Kaija Corry gave a presentation on the vaccine preventable disease program that sits within the prevention services division of the health department. The program will be offering childhood vaccine clinics this summer with a plan to begin vaccinating at a static clinic later. The program also plans to expand direct services through mobile clinic vaccinations around January 2025.

*Public health communications (SR 24-010; Kari Bray)*

Ms. Kari Bray provided an overview of the communications team that sits within the larger policy, partnerships, planning, and communications group. The communications team provides crosscutting services throughout the department.

*Board of Health administrative rules (SR 24-011; Nicole Thomsen)*

Ms. Nicole Thomsen briefly walked through the current draft of the administrative rules and areas of the document that have been revised based on discussions with the administrative rules working group last November.

**Director's Report**

Mr. Dennis Worsham shared updates on the health department that included preparation for measles outbreak response and status update for the strategic plan the health department is currently working on.

**Information Items**

*Upcoming Meetings*

Ms. Dunn noted the dates of the next Board of Health meetings.

*[Walk-on item] Methamphetamine and fentanyl contamination in County shelters*

Mr. Skubi shared his concern that testing these shelter sites could have adverse impacts for residents. The item is currently proposed for discussion by the Snohomish County Council for the beginning of May. Mr. Skubi requested this item be placed on the May agenda for further discussion.

**Adjournment**

The meeting was adjourned at 4:59 p.m.

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Megan Dunn  
Board of Health, Chair

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Dennis Worsham, Director

DRAFT

Prevention Services - Child Fatality Review (SR 24-012; Wendy Burchill)

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**Division:**

Prevention Services / Wendy Burchill, Healthy Community Specialist

**Prior Board Review:**

None

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**ATTACHMENTS:**

Description

- ▣ Child Fatality Review Presentation



# Child Fatality Review in Snohomish County



# Child Fatality Review (CFR)

**A formal, comprehensive, multidisciplinary review of a child's death to:**

- Understand how & why children die
- Identify risk factors
- Identify strategies to prevent children's deaths

# More than just data collection

*“My experience on CDR has been both eye-opening and heartbreaking. However, I believe these conversations are crucial to understand the risks our children are exposed to in order to strengthen protective factors. Engaging members from various agencies allows for unique perspectives and enhances (or initiates) valuable partnerships within the community. I am proud to be a part of this team and look forward to the meetings!”*

**- Alyssa Campbell, CTSS, LSWAIC, Social Worker, The Center for Justice Social Work  
formerly w/Everett School District**

# CFR Objectives

- 1) Ensure the accurate identification and uniform, consistent reporting of the **cause and manner of every child death**.
- 2) Improve **communication and linkages** among local and state agencies and enhance coordination efforts.
- 3) Improve agency **responses in the investigation** of child deaths.
- 4) Improve agency response to **protect siblings and other children** in the homes of deceased children.
- 5) Improve **delivery of services** to children, families, providers, and community members.
- 6) Identify **specific barriers** and system issues involved in the deaths of children.
- 7) Identify significant **risk factors** and **trends** in child deaths.
- 8) Identify and advocate for needed changes in **legislation, policy, and practices** and expanded efforts in child health and safety to prevent child deaths.
- 9) Increase **public awareness** and advocacy for the issues that affect the health and safety of children.

# Snohomish County Process

- Meet and review quarterly (approx)
- Review deaths of children <18 years old
  - Snohomish County residents & died in Snohomish County (some exceptions)
  - Review accidents, suicides, homicides, and undetermined. Do not review natural causes.
  - Review by manner groupings (accidents, suicides, homicides, SUID)
  - **Exception:** Suicide and OD reviews may include 18 y/o (Sub.HB 1074)
- Team members bring pertinent information to review to share and discuss (e.g., CPS, schools, LE, court)
- Data collected is entered into the National Center for Fatality Review and Prevention (NCFRP) database (after the meeting)

## **RCW 70.05.170**

### **Child Mortality Review**

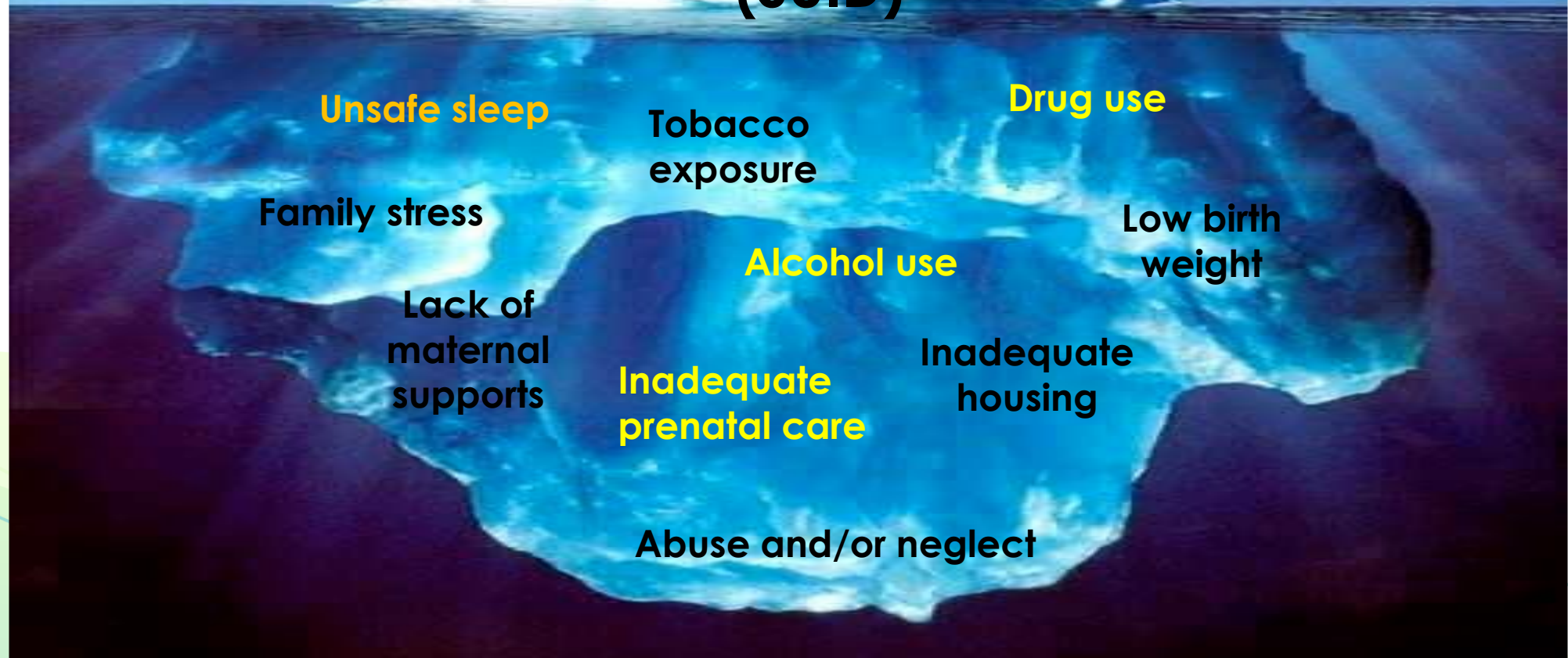
(2) As used in this section, "child mortality review" means a process authorized by a local health department as such department is defined in RCW 70.05.010 for examining factors that contribute to deaths of children less than eighteen years of age. The process may include a systematic review of medical, clinical, and hospital records; home interviews of parents and caretakers of children who have died; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death.

# CFR is UNIQUE!

- It is an **engaged, multidisciplinary community, telling a child's story, one child at a time**, to understand the causal pathway that leads to a child's death, to identify pre-existing vulnerabilities and circumstances and to identify how to interrupt the pathway for other children
- It generates a **broad spectrum of data** for an ecological understanding of the individual, community, and societal factors that interact at different levels to influence future child health and safety
- It **generates action** to improve systems and prevent deaths.

# Reviews Help Identify Modifiable Risk Factors

## Infant Death (SUID)



# CFR data has wide-reaching impact

- AAP safe sleep recommendations (last updated in 2022)
- Eliminating crib bumper and incline sleeper sales in the United States (Safe Sleep for Babies Act, 2022)
- WA state policy requiring childcare providers to be educated about safe sleep practices - The Safe Sleep WAC ([WAC 170-300-0291](#))
- WA state intermediate driver's licensing law (for new drivers <18)



# CFR data has wide-reaching impact

- Adopted and updated youth suicide scene protocols for SnoCo and King Co Medical Examiners
- Developed a safe suicide media reporting training in partnership with VOA
- Implemented LockItUp safe gun storage initiative with the City of Everett, and promoted at health and community fairs (will be expanding soon!)
- Cribs for Kids partner with Safe Kids Snohomish County and the Northwest Infant Survival and SIDS Alliance
- Developed the Snohomish County Youth Suicide Prevention Task Force

# Our Team 2024

- The Center for Justice Social Work
- Naval Station Everett – Counseling and Advocacy Services
- Providence Intervention Center for Assault and Abuse
- Providence Hospital Trauma Program
- Seattle Children’s Hospital
- Everett School District
- WA State Criminal Justice Training Commission
- Lynnwood Police
- Lakewood School District
- Snohomish County Medical Examiner
- Monroe School District
- CPS/DCYFS
- Mukilteo School District
- Mukilteo Police
- Dawson Place
- Volunteers of America Behavioral Health (988)
- South County Fire & EMS
- Snohomish County Sheriff’s Office
- Snohomish County Health Dept.
  - Epidemiologist, Behavioral Health Specialist, Home visiting nurse

*“What I enjoy about CFR is hearing the thoughts of people from other departments in the county. It’s so interesting to hear what people outside of law enforcement have identified as a contributing factor to the child’s death and how we can change those factors for future at-risk youth. I’ve learned about programs other departments are running that I never knew about and have gained connections I can utilize in other parts of my work. CFR talks about heavy topics, but the team remains so optimistic and thoughtful. I find the CFR to be a setting where I get to experience some professional growth that challenges me, even if it’s just in a small way.”*

**- Detective Arnett, Lynnwood WA Police Department**

*“I am a school psychologist and have served on CFR for the past 6 years. It has provided invaluable collaboration between public schools and outside agencies to work together to determine the best recommendations to help future students and avoid similar deaths in the future. Losing a student in any manner is a tragedy but the important work the SCCFR does turns such a devastating loss into meaningful advocacy for future students.”*

**- JoAnna Rockwood, NCSP, NBCT, Ed.S, MA Ed, School Psychologist, Lakewood High School,  
formerly with Edmonds SD**



## Wendy Burchill

Healthy Communities Specialist,  
Snohomish County Health Department  
425-339-8618

[wendy.burchill@co.snohomish.wa.us](mailto:wendy.burchill@co.snohomish.wa.us)

[www.ncfrp.org](http://www.ncfrp.org)

**The National Center  
for Fatality Review  
and Prevention**



## Questions?

**PUBLIC HEALTH**  
always working for a safer & healthier  
**SNOHOMISH COUNTY**

Ordinance BOH24-02 Reorganizing the Board of Health Code (SR 24-008C; Ragina Gray)

**Division:**

Environmental Health / Ragina Gray, Director

**Prior Board Review:**

April 9, 2024

**Background**

On March 12, 2024, the Board of Health was briefed on the Environmental Health division’s 2024 Board of Health Code revision workplan. The workplan was broken into three main goals. The first goal is to reorganize the layout of the Board of Health Code to separate content into more clearly defined titles.

On April 9, 2024, the Board of Health was briefed on the proposed code reorganization concepts and the ordinance strategy. As a reminder, this code revision will serve to reorganize only and will not include any changes to policy. To reflect feedback provided at the April Board of Health meeting, the title addressing camping regulations was changed as shown below:

<b>CURRENT NAME</b>	<b>NEW NAME</b>
Group Camp Regulations	<del>Camps</del> Camping
Recreation Camping Facilities	Facilities

The ordinance strategy for this code reorganization is to repeal the impacted titles (titles 2-5) and reintroduce them all as new titles (titles 2-11). Action on this ordinance is proposed for June 2024.

**Board Authority**

RCW 70.05.060 (3) 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.

**Recommended Motion**

**No motion required. Briefing only.**

**ATTACHMENTS:**

Description

- Ordinance BOH24-02 - Reorganizing Board of Health Code

SNOHOMISH COUNTY BOARD OF HEALTH  
Snohomish County, Washington

ORDINANCE NO. BOH24-02

REORGANIZING THE BOARD OF HEALTH CODE

WHEREAS, the Snohomish County Board of Health has supervision over all matters pertaining to the preservation of the life and health of the people of Snohomish County under the authority granted in chapter 70.05 RCW; and

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

WHEREAS, the Snohomish County Board of Health exercised its authority to enact local rules and regulations by adopting Ordinance No. BOH23-01 on October 10, 2023, which created the Snohomish County Board of Health Code; and

WHEREAS, the Snohomish County Board of Health has determined that a reorganization of the existing Snohomish County Board of Health Code is necessary to improve clarity and effectively communicate the local rules and regulations to the people of Snohomish County; and

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Board of Health Code Section 1.40.050, last amended by Ordinance No. BOH24-01 on April 9, 2024, is amended to read:

**1.40.050     Illegal drug manufacturing or storage sites response fee schedule.**

TITLE	FEE	DESCRIPTION
<b><u>APPEAL PROCEDURE For Illegal Drug Sites Only</u></b>		
a) Step One	<del>((NO FEE))</del> <u>No fee</u>	
b) Step Two	\$1,455.00	
<b><u>DECONTAMINATION WORKPLAN REVIEW</u></b>		
a) Stationary Property	\$1,140.00 \$225.00	Base Fee <b>Plus:</b> Per Hour Fee for Additional Hours Over 5
b) Vehicle	\$675.00	Base Fee <b>Plus:</b>

	\$225.00	Per Hour Fee for Additional Hours Over 3
<b><u>ENFORCEMENT</u></b>	\$225.00	Per Hour Plus Other Costs Including but Not Limited to Analytical Fees, Hearing Examiners Fees, Contractor Costs of Barricading or Otherwise Securing Contaminated Properties and Contractor Fees. NOTE: These fees do not include civil penalties for violations of Snohomish County Board of Health Code, ((2.60.090)) <u>7.15.080</u>
<b><u>INSPECTION OF SUSPECTED CONTAMINATED PROPERTY</u></b> (Requested by Property Owner)	\$450.00 \$225.00	Base Fee <b>Plus</b> Analytical Sample Costs, <b>Plus:</b> Per Hour Fee for Additional Hours Over 2

1  
2 Section 2. Snohomish County Board of Health Code Titles 2 – 5, adopted by  
3 Ordinance No. BOH23-01 on October 10, 2023, are repealed.

4 Section 3. A new Title 2 is added to the Snohomish County Board of Health Code  
5 to read:

6 **Title 2**  
7 **SOLID WASTE**

8 Chapters:

- 9 2.15 Solid Waste Handling Regulations.  
10 2.20 Solid Waste Handling Standards.  
11 2.25 Criteria for Municipal Solid Waste Landfills.  
12 2.30 Minimum Functional Standards for Solid Waste Handling.  
13

14 **Chapter 2.15**  
15 **SOLID WASTE HANDLING REGULATIONS**

16 Sections:

- 17 2.15.010 Authority and purpose.  
18 2.15.020 Applicability.  
19 2.15.030 Effective dates.  
20 2.15.040 Definitions.  
21 2.15.050 Administration.  
22 2.15.060 Permit required.



- 1 2.15.070 Permit requirements for solid waste facilities.
- 2 2.15.080 Fees for service.
- 3 2.15.090 Administrative appeal of permit suspensions and permit denials.
- 4 2.15.100 Variances.
- 5 2.15.110 Violations and civil penalties.
- 6 2.15.120 Notice and order to correct violation.
- 7 2.15.130 Voluntary correction agreement.
- 8 2.15.140 Owner responsibilities for solid waste.
- 9 2.15.150 Performance standards.
- 10 2.15.160 General on-site storage, collection, transportation, and disposal standards
- 11 for solid waste.
- 12 2.15.170 Animal waste handling.
- 13 2.15.180 Asbestos-containing waste material handling.
- 14 2.15.190 Biomedical waste handling.
- 15 2.15.200 Garbage handling.
- 16 2.15.210 Moderate risk waste handling.
- 17 2.15.220 Waste screening.
- 18 2.15.230 Beneficial use permit exemptions.
- 19 2.15.240 Recycling and material recovery facilities.
- 20 2.15.250 Composting facilities.
- 21 2.15.260 Land application.
- 22 2.15.270 Energy recovery and incineration facilities.
- 23 2.15.280 Transfer station and drop box facilities.
- 24 2.15.290 Moderate risk waste handling.
- 25 2.15.300 Piles used for storage or treatment.
- 26 2.15.310 Surface impoundments and tanks.
- 27 2.15.320 Waste tire storage.
- 28 2.15.330 Municipal solid waste landfills.
- 29 2.15.340 Limited purpose landfills.
- 30 2.15.350 Inert waste landfills.
- 31 2.15.360 Active, closed, and abandoned landfills.
- 32 2.15.370 Other methods of solid waste handling.
- 33 2.15.380 Groundwater monitoring.
- 34 2.15.390 Financial assurance requirements.
- 35 2.15.400 Remedial action.

36 **2.15.010 Authority and purpose.**

37 A. *Authority.* These rules and regulations are promulgated under the authority of  
 38 chapter 70.05 RCW, Local Health Departments, Boards, Officers–Regulations;  
 39 chapter 70A.205 RCW, Solid Waste Management–Reduction and Recycling;  
 40 chapter 173-350 WAC, Solid Waste Handling Standards; chapter 173-351 WAC,  
 41 Criteria for Municipal Solid Waste Landfills; and chapter 246-203 WAC, General  
 42 Sanitation, to protect the public health of the citizens of Snohomish County. These

1 rules and regulations govern solid waste handling, storage, collection, transportation,  
2 treatment, utilization, processing, and final disposal of all solid waste within  
3 Snohomish County.

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

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

13 **2.15.020 Applicability.**

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

17 **2.15.030 Effective dates.**

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

21 **2.15.040 Definitions.**

22 In addition to the terms defined in WAC 173-350-100, Definitions, and WAC 173-351-  
23 100, Definitions, as now or hereafter amended, the following terms when used in  
24 chapters 2.15 – 2.30 SCBHC are defined as follows:

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

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

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

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

11 “Biomedical waste” means, and is limited to, the following types of waste:

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

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

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

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

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

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

36 “Discharge or nonpermitted discharge of moderate risk waste (MRW)” means the  
37 accidental or intentional release of hazardous substances, MRW, or MRW constituents  
38 such that the substance, waste, or a waste constituent may enter or be emitted into the

1 environment. Release includes, but is not limited to, the actions of spilling, leaking,  
2 pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

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

8 “Hazardous substances” means any liquid, solid, gas, or sludge, including any material,  
9 substance, product, commodity, or waste, regardless of quantity, that exhibits any of the  
10 physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-  
11 100.

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

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

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

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

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

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

1 **2.15.050 Administration.**

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

7 B. Enforcement. The health officer shall have the authority to enforce the provisions of  
8 these regulations equally on all persons. The health officer is also authorized to  
9 adopt rules consistent with the provisions of these rules and regulations for the  
10 purpose of enforcing and carrying out its provisions.

11 **2.15.060 Permit required.**

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

14 For solid waste handling facilities engaged in closure or closed before the February 10,  
15 2003, effective date of chapter 173-350 WAC, a permit may be required for any activity  
16 that substantially alters an existing closed or abandoned landfill. Plans and  
17 specifications for the proposed alteration shall be submitted to and approved by the  
18 health officer.

19 **2.15.070 Permit requirements for solid waste facilities.**

20 Refer to WAC 173-350-710, Permit Application and Issuance; and WAC 173-350-715,  
21 General Permit Application Requirements. Permit requirements are also cited in the  
22 particular sections that apply to the different types of solid waste facilities and in WAC  
23 173-351-710 through 173-351-750, for municipal solid waste landfills, as now or  
24 hereafter amended.

25 **2.15.080 Fees for service.**

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

29 B. For sites and facilities conditionally exempt from permitting as described in chapter  
30 173-350 WAC, Solid Waste Handling Standards, the health officer is authorized to  
31 charge fees as set forth in chapter 1.40 SCBHC.

- 1 C. For solid waste handling facilities engaged in closure or closed before the February  
2 10, 2003, effective date of chapter 173-350 WAC, including abandoned landfills, the  
3 health officer is authorized to charge fees as set forth in chapter 1.40 SCBHC.
- 4 D. The health officer is authorized to charge fees as set forth in chapter 1.40 SCBHC  
5 for the review of waste screening determination applications.

6 **2.15.090 Administrative appeal of permit suspensions and permit denials.**

7  
8 Refer to chapter 1.20 SCBHC, Right of Appeals, and chapter 2.20 SCBHC, WAC 173-  
9 350-710(7), Permit Application and Issuance, in paragraph numbered seven titled Permit  
10 Suspension and Appeals, as now or hereafter amended.

11 **2.15.100 Variances.**

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

14 **2.15.110 Violations and civil penalties.**

15 A. *Violations.*

- 16 1. Violations of SCBHC 2.15.160(E) may be addressed through a civil penalty as  
17 provided in subsection (B) of this section. Each violation shall be a separate and  
18 distinct offense.
- 19 2. A violation of any of the provisions of this chapter is an unlawful public nuisance.

20 B. *Civil Penalties.*

- 21 1. It is a class three civil infraction as defined in RCW 7.80.120 for a person to  
22 unlawfully dump solid waste in an amount less than or equal to one cubic foot.  
23
- 24 2. A person that illegally dumps solid waste in an amount greater than one cubic  
25 foot but less than one cubic yard shall pay a litter cleanup restitution payment  
26 equal to twice the actual cost of cleanup, or \$50.00 per cubic foot of litter,  
27 whichever is greater.
- 28 3. A person that illegally dumps solid waste in an amount of one cubic yard or more  
29 shall pay a litter cleanup restitution payment equal to twice the actual cost of  
30 cleanup, or \$100.00 per cubic foot of litter, whichever is greater.

1 **2.15.120 Notice and order to correct violation.**

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

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

- 7 1. The name and address of the property owner or other persons to whom the  
8 notice and order to correct violation is directed;
- 9 2. The street address or description sufficient for identification of the property upon  
10 or within which the violation has occurred or is occurring;
- 11 3. A description of the violation and a reference to the provision of this chapter that  
12 has been violated;
- 13 4. A statement of the action required to be taken to correct the violation and a date  
14 or time by which correction is to be completed;
- 15 5. A statement that each violation of this chapter shall be a separate and distinct  
16 offense; and
- 17 6. A statement that the enumerated violations cited per SCBHC 2.15.110(A) have  
18 resulted in the issuance of civil penalties as described in SCBHC 2.15.110(B).

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

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

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

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

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

- 1        2. Institute any appropriate action to collect a penalty assessed under this title;  
2            and/or
- 3        3. Pursue any other appropriate remedy at law or equity under this title.

4        **2.15.130      Voluntary correction agreement.**

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

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

- 15       1. The name and address of the person responsible for the alleged violation;
- 16       2. The street address or other description sufficient for identification of the building,  
17       structure, premises, or land upon, or within which, the alleged violation has  
18       occurred or is occurring;
- 19       3. A description of the alleged violation and a reference to the regulation which has  
20       been violated;
- 21       4. The necessary corrective action to be taken, and a date or time by which  
22       correction must be completed;
- 23       5. An agreement by the person responsible for the alleged violation that the health  
24       officer may enter the property and inspect the premises as may be necessary to  
25       determine compliance with the voluntary correction agreement;
- 26       6. An agreement by the person responsible for the alleged violation that the health  
27       officer may enter the property to abate the violation and recover its costs and  
28       expenses (including administrative, hearing, and removal costs) from the person  
29       responsible for the alleged violation if the terms of the voluntary correction  
30       agreement are not satisfied;
- 31       7. An agreement that by entering into the voluntary correction agreement, the  
32       person responsible for the alleged violation waives the right to an appeal under  
33       these regulations or otherwise, regarding the matter of the alleged violation  
34       and/or the required corrective action; and



- 1 8. An agreement that establishes a daily fine be imposed for each and every day  
2 after the date and time the alleged violation was to be corrected.
- 3 B. *Right to Appeal Waived.* By entering into a voluntary correction agreement, the  
4 person responsible for the alleged violation waives the right to an appeal under  
5 these regulations or otherwise, regarding the matter of the violation and/or the  
6 required corrective action.
- 7 C. *Extension and Modification.* The health officer may, at his or her discretion, grant an  
8 extension of the time limit for correction or a modification of the required corrective  
9 action if the person responsible for the alleged violation has shown due diligence  
10 and/or substantial progress in correcting the violation, but unforeseen circumstances  
11 have delayed correction under the original conditions.
- 12 D. *Abatement by the Health Officer.* The health officer may cause the violation to be  
13 abated if all terms of the voluntary correction agreement are not met and all costs  
14 associated therewith shall be assessed against the person responsible.
- 15 E. *Collection of Costs.* In the event the person responsible fails to abide by the terms of  
16 the voluntary correction agreement, all cost and expense of correcting the condition,  
17 which constitutes a violation of these regulations, including inspection costs,  
18 administrative costs and, if applicable, out-of-pocket expenses incurred for the  
19 abatement of the violation, shall be assessed against the person responsible.

20 **2.15.140 Owner responsibilities for solid waste.**

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

23 **2.15.150 Performance standards.**

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

25 **2.15.160 General on-site storage, collection, transportation, and disposal  
26 standards for solid waste.**

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

- 30 A. *Removal.* Solid waste shall be removed from the premises to a permitted solid waste  
31 handling facility at a frequency that does not create a public nuisance, or at a  
32 frequency otherwise approved by the health officer. The health officer may require

- 1 any person who stores solid waste in a manner that creates a public nuisance to  
2 remove solid waste from the premises to a permitted solid waste handling facility no  
3 less frequently than once per week.
- 4 B. *Disposal Regulations.* Solid waste shall be disposed of in a manner consistent with  
5 these regulations and all other federal, state, and local regulations regarding the  
6 disposal of solid waste. Should a situation arise where disposal of solid waste is not  
7 covered under this title, the health officer shall determine acceptability of a method  
8 of disposal for the solid waste on a case-by-case basis.
- 9 C. *Disposal Service Required.* When a person does not dispose of solid waste in a  
10 manner consistent with these regulations, the health officer may order said person to  
11 obtain ongoing and regularly scheduled solid waste collection service. Evidence,  
12 such as a copy of the contract or a billing statement, shall be provided to the health  
13 officer.
- 14 D. *Disposal Receipts Required.* Any person in violation of subsection (E) of this section,  
15 to whom a notice and order to correct violation has been issued, is required to  
16 produce receipts from a permitted solid waste disposal, recycling, and/or reclamation  
17 facility as evidence of compliance.
- 18 E. *Unlawful Dumping.* It shall be unlawful for any person to dump or deposit or allow  
19 the dumping or depositing of any solid waste onto or under the surface of the ground  
20 or into the waters of this state, except at a solid waste disposal site for which there is  
21 a valid permit; provided, that nothing herein shall prohibit a person from dumping or  
22 depositing solid waste resulting from his or her own activities onto or under the  
23 surface of ground owned or leased by him or her to the extent such actions comply  
24 with the standards in WAC 173-351-700(4)(b) and do not violate statutes or  
25 ordinances, or create a nuisance.
- 26 1. *Name Appearing on Waste Material and Presumption.* Whenever solid waste  
27 dumped in violation of these rules and regulations contains three or more items  
28 bearing the name of one individual, there shall be rebuttable presumption that the  
29 individual whose name appears on such items committed the unlawful act of  
30 dumping.
- 31 2. *Lack of Identification.* When the health officer investigates a case of unlawful  
32 dumping and finds no identification or evidence in the solid waste, he/she may  
33 then order the property owner to remove said solid waste from his/her land.  
34 Where this occurs on private land the property owner or occupant shall be  
35 responsible for removal. Where this occurs on public land the appropriate  
36 governmental agency shall be responsible for removal.
- 37 F. *Solid Waste Handling Permit.* Any person commercially collecting or transporting  
38 solid waste found to be in violation of WAC 173-350-300(3), may be required to  
39 obtain a solid waste handling permit. Persons required to obtain a solid waste  
40 handling permit shall renew the permit annually. A permit may be issued or denied

1 for one or more activities without simultaneously issuing or denying a permit for all  
2 activities.

3 **2.15.170 Animal waste handling.**

4 A. *Handling and Disposal Regulations.* All animal waste shall be handled and disposed  
5 of in a manner consistent with chapter 246-203 WAC, General Sanitation, or other  
6 method approved by the health officer.

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

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

13 **2.15.180 Asbestos-containing waste material handling.**

14 A. *General.* Asbestos-containing waste material (ACWM), as defined in SCBHC  
15 2.15.040, shall be handled and disposed of pursuant to 40 CFR 61, National  
16 Emission Standards for Hazardous Air Pollutants; chapter 173-303 WAC,  
17 Dangerous Waste Regulations; Puget Sound Clean Air Agency (PSCAA) Regulation  
18 III Article 4; and chapter 296-65 WAC, Asbestos Removal and Encapsulation.

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

25 C. *Disposal.* ACWM shall be disposed of at a permitted solid waste disposal site  
26 approved to handle ACWM. ACWM shall be disposed of in accordance with 40 CFR  
27 61, and covered with at least 15 centimeters (six inches) of non-asbestos-containing  
28 waste material immediately following disposal.

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

1 **2.15.190 Biomedical waste handling.**

2 A. *Applicability.* These regulations apply to:

- 3 1. All hospitals, medical and dental clinics, medical laboratories, nursing or  
4 intermediate care facilities, veterinary facilities, and other institutions that may  
5 generate biomedical waste as defined in SCBHC 2.15.040, without regard to the  
6 quantity of infectious waste produced per month;
- 7 2. Businesses and individuals storing, treating, and/or transporting for disposal,  
8 biomedical waste. These requirements shall not apply to residentially generated  
9 biomedical waste from single-family dwellings unless specifically addressed in  
10 these regulations; and
- 11 3. Individuals that may generate medical or infectious wastes in quantity or quality  
12 sufficient to constitute a potential public health problem as determined by the  
13 health officer on a case-by-case basis.

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

19 C. *Storage and Handling.*

- 20 1. Biomedical wastes shall be segregated from the general medical waste stream at  
21 the point of origin and stored in separate containers.
- 22 2. Biomedical waste with multiple hazards (e.g., toxic, radioactive, or other  
23 hazardous chemicals) shall be segregated from the general biomedical waste  
24 stream when additional or alternative treatment is required, or in cases where the  
25 wastes are regulated under state or federal authority.
- 26 3. Sharps waste shall be contained for storage, transportation, treatment, and  
27 disposal in sharps waste containers. Sharps waste containers must be leak-  
28 proof, rigid, puncture-resistant, and red containers that are taped closed or tightly  
29 lidded to prevent the loss of contents.
- 30 4. Each container used for the containment of biomedical waste shall be marked  
31 with a prominent warning sign, in English, that includes the word(s) "Biohazard,"  
32 "Biomedical," or "Infectious Waste."
- 33 5. Reusable containers for biomedical waste shall be thoroughly washed and  
34 disinfected by a method approved by the health officer each time they are  
35 emptied, unless the surfaces of such containers have been completely protected  
36 from contamination by disposable bags, liners, or other devices removed with the  
37 waste.

- 1       6. Biomedical waste storage, including vehicles used to transport biomedical waste,  
2       and treatment areas shall be accessible to authorized personnel only, marked  
3       with a prominent warning sign, in English, that includes the word(s) "Biohazard,"  
4       "Biomedical," or "Infectious Waste" and kept clean and free of all vectors capable  
5       of transmitting disease. Warning signs shall be readily legible from a distance of  
6       at least 25 feet. Vehicles shall have signs legible from a distance of 50 feet.
  
- 7       7. The handling and storage of all biomedical waste must prevent the dissemination  
8       of biomedical waste into the environment.
  
- 9       8. Floors of storage areas shall be of impervious material to prevent saturation of  
10      liquid and semi-liquid substances, and a perimeter curb is recommended to  
11      contain spills. Storage areas shall also be well lighted and ventilated.
  
- 12     9. Storage time of biomedical waste before treatment shall be kept to a minimum if  
13      not treated the same day as generated.
  
- 14     D. *Treatment.* All biomedical waste shall be treated in an autoclave, incinerator, retort,  
15      or other approved process to render it harmless prior to disposal at a disposal site  
16      approved by the health officer. It is the responsibility of the generator to provide for  
17      and assure effective treatment of all biomedical waste generated on site.
  
- 18     E. *Disposal.*
  
- 19      1. Biomedical waste shall not be disposed of prior to treatment, as described in  
20      subsection (D) of this section. All biomedical waste, including medical waste that  
21      has been rendered harmless and noninfectious waste, shall be disposed of at a  
22      solid waste disposal site approved by the health officer.
  
- 23      2. All human or animal body parts, fetuses, and other pathological specimens shall  
24      be disposed of either by appropriate interment, incineration, or other method  
25      approved by the health officer.
  
- 26      3. Untreated liquid and liquefied biomedical waste may be disposed of by release  
27      into a sanitary sewage system if approved by the jurisdictional sewer utility. The  
28      health officer shall have the authority to require the treatment of any biomedical  
29      liquid waste in accordance with subsection (D) of this section prior to release into  
30      a sanitary sewage system if deemed necessary to protect the public health.
  
- 31     F. *Sharps.* Residentially generated sharps waste shall comply with the following  
32      standards:
  - 33        1. Sharps waste shall be contained in sharps waste containers;
  - 34        2. Sharps waste shall not be disposed of in any recycling container unless the  
35        container is specifically designated for sharps waste;

- 1 3. Sharps waste shall not be disposed of in refuse collection containers (e.g.,  
2 garbage cans, garbage bags, dumpsters, etc.) if a source-separated collection  
3 service is provided for residential sharps waste by the public or private solid  
4 waste collection service provider; and
- 5 4. Providers of source-separated residential sharps collection shall be in  
6 compliance with the standards of chapter 70A.228 RCW.
- 7 G. *Contingency Plan.* Generators of all medical waste must develop and abide by a  
8 contingency plan for the treatment of biomedical waste should failure of the primary  
9 biomedical waste treatment system occur. This plan shall be available for review by  
10 the health officer upon request.
- 11 H. *Inspection.* The health officer shall have the authority to enter any biomedical waste  
12 generating facility, at any reasonable time, for the purpose of determining if medical  
13 waste is being stored, handled, treated, and/or disposed of in accordance with this  
14 section.
- 15 I. *Solid Waste Handling Permit.* Any facility storing, handling, transporting, treating, or  
16 disposing of biomedical waste found to be in violation of this section may be required  
17 to obtain a solid waste handling permit. Persons required to obtain a solid waste  
18 handling permit shall renew the permit annually during the active life of the facility. A  
19 permit may be issued or denied for one or more activities without simultaneously  
20 issuing or denying a permit for all activities.

21 **2.15.200 Garbage handling.**

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

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

28 **2.15.210 Moderate risk waste handling.**

29 A. *Owner Responsibility for Moderate Risk Waste.*

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

- 1           2. *Mitigation and Control of MRW.* The person responsible for a spill or  
2 nonpermitted discharge shall take appropriate immediate action to protect human  
3 health and the environment (e.g., diking to prevent contamination of state waters,  
4 shutting of open valves). In addition, the person responsible for a spill or  
5 discharge shall:
- 6           a. Clean up all released MRW, MRW constituents, and hazardous substances,  
7           or take such actions as may be required or approved by federal, state, or  
8           local officials acting within the scope of their official responsibilities.
- 9           b. Designate and treat, store, or dispose of all soils, waters, or other materials  
10           contaminated by the spill or nonpermitted discharge.

11 **B. *Storage Requirements.***

- 12           1. *Household Hazardous Waste (HHW).* HHW generators must store HHW in its  
13 original container or in a container that is otherwise clearly labeled; provide some  
14 means of cover over the waste containers to prevent deterioration of the  
15 containers; and store containers so that they are not in direct contact with the  
16 ground. The storage of HHW in leaking containers or in a manner likely to result  
17 in a release of HHW to the environment is prohibited.
- 18           2. *Conditionally Exempt Small Quantity Generator Waste.* All MRW produced  
19 and/or stored by CESQGs shall be stored in an appropriate container for the type  
20 of waste that is being stored. The containers must be clearly labeled; some  
21 means of cover over the waste containers to prevent deterioration of the  
22 containers must be provided; and containers must be stored so that they are not  
23 in direct contact with the ground. There must be proper means of storage until  
24 the waste has been removed to a permitted treatment, storage, or disposal  
25 facility or until it has been treated and rendered nonhazardous. The storage of  
26 MRW in leaking containers or in a manner likely to result in a release of MRW to  
27 the environment is prohibited.

28 **C. *Labeling.***

- 29           1. *Household Hazardous Waste.* HHW must be clearly labeled; this is accomplished  
30 by either returning wastes to their original containers or by labeling each  
31 container stating what type of waste it contains.
- 32           2. *Conditionally Exempt Small Quantity Generators.* All containers of waste must be  
33 labeled with the following information:
- 34           a. Accumulation start date;
- 35           b. Washington State Department of Transportation labels, if necessary;
- 36           c. Description of waste, including the hazards associated with the waste;

- 1 d. The words “Hazardous Waste” or “Dangerous Waste” clearly marked on
- 2 labels; and
- 3 e. If more than one gallon, label containers so they are legible and recognizable
- 4 from a distance of twenty-five feet, or the lettering size be a minimum of one-
- 5 half inch in height.

6 D. *Secondary Containment.*

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

8 2. *Conditionally Exempt Small Quantity Generator.* All wastes that are produced

9 and/or stored on site must have secondary containment that is:

- 10 a. Covered (if not inside an enclosed building);
- 11 b. Made of a leak-proof material;
- 12 c. Sturdy in construction;
- 13 d. Compatible with the waste that it is meant to contain;
- 14 e. Capable of containing 10 percent of the volume of all the containers or tanks
- 15 holding liquid, or the total volume of the largest container or tank in the area,
- 16 whichever is greater; and
- 17 f. Containers equipped with double walls, or other effective spill prevention
- 18 features, may be substituted for secondary containment as approved on a
- 19 case-by-case basis by the health officer.

20 E. *Accumulation Standards.*

21 1. *Household Hazardous Waste.* HHW may not be accumulated in quantities that,

22 in the opinion of the health officer, present a threat to public health or the

23 environment.

24 2. *Conditionally Exempt Small Quantity Generators.* CESQG (e.g., businesses)

25 shall not generate or accumulate MRW equal to or more than the quantity

26 exclusion limit (QEL) established by chapter 173-303 WAC, Dangerous Waste

27 Regulations. The current generation QEL is less than 220 pounds of dangerous

28 waste, or less than 2.2 pounds of extremely hazardous waste, per month or per

29 batch. The current accumulation QEL is not more than 2,200 pounds of

30 dangerous waste, or more than 2.2 pounds of extremely hazardous waste

31 accumulated or stored. Persons exceeding the QEL must adhere to chapter 173-

32 303 WAC, administered by the Washington State Department of Ecology, and

33 not these regulations.

34 F. *Transportation.* Vehicles or containers used for the transportation of MRW shall be

35 loaded and moved in such a manner that the contents will not fail, leak, or spill



1 therefrom. Where such spillage or leakage does occur, the waste shall be picked up  
2 immediately and the area properly cleaned.

3 **G. Treatment and Disposal Standards.**

4 1. *Household Hazardous Waste.* HHW shall not be deposited in the solid waste  
5 collection system, an on-site sewage system, a storm drain, the surface or  
6 groundwater, the surface of the ground, or under the ground. HHW shall not be  
7 deposited in a public sewer system unless written approval is obtained from the  
8 providing sewer utility or a state waste discharge permit is obtained. Usable  
9 pesticides and wood preservatives shall be utilized in accordance with the  
10 Environmental Protection Agency approved label requirements, or shall be  
11 disposed of at a disposal site approved by the health officer. Substantially empty  
12 nonrestricted-use pesticide containers and paint containers that are free of  
13 liquids are excluded from this section and should be handled as general  
14 household waste after they have been cleaned and punctured to show that they  
15 are empty. All empty restricted use or banned pesticide containers must be triple  
16 rinsed with clean water or other appropriate solvent prior to disposal into the solid  
17 waste stream. The rinse from restricted use pesticide containers shall be utilized  
18 in the same registered manner as the pesticide previously held in the container.  
19 The rinse from banned pesticide containers shall be disposed of at a disposal  
20 site approved by the health officer.

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

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

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

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

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

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

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

5 **2.15.220 Waste screening.**

6 A. *Identification.* The health officer shall have the authority to inspect and screen any  
7 waste, excavated soil, soil like, or other material suspected of being a regulated  
8 dangerous waste or containing contaminants at levels posing a threat to human  
9 health or the environment. The screening process may involve certified testing, a  
10 disclosure of the waste constituents and waste generation process, and other  
11 additional information. If the health officer determines that testing is required to  
12 identify the waste, the generator shall be responsible for such analysis. If the  
13 generator is not known, the property owner or business operator shall be  
14 responsible for such analysis. If the health officer determines that the waste is not a  
15 dangerous waste under chapter 173-303 WAC, Dangerous Waste Regulations, but  
16 still poses a threat to human health or the environment, the health officer shall  
17 regulate the material as solid waste. As such, the health officer shall direct the  
18 generator, transporter, property owner or business operator to dispose or treat the  
19 material at a specified site or in a manner specified by the health officer. chapters  
20 173-303 and 173-340 WAC, Model Toxics Control Act Regulations, shall be  
21 considered when screening and making waste determinations. Any waste  
22 determinations involving solid waste shall comply with chapter 173-350 WAC, Solid  
23 Waste Handling Standards.

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

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

1    **2.15.230     Beneficial use permit exemptions.**

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

4    **2.15.240     Recycling and material recovery facilities.**

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

7    **2.15.250     Composting facilities.**

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

9    **2.15.260     Land application.**

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

11   **2.15.270     Energy recovery and incineration facilities.**

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

14   **2.15.280     Transfer stations and drop box facilities.**

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

17   **2.15.290     Moderate risk waste handling.**

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

20   **2.15.300     Piles used for storage or treatment.**

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

1 **2.15.310 Surface impoundments and tanks.**

2 Refer to WAC 173-350-330, Surface Impoundments and Tanks; and WAC 173-350-  
3 500, Groundwater Monitoring, as now or hereafter amended.

4 **2.15.320 Waste tire storage.**

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

7 **2.15.330 Municipal solid waste landfills.**

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

10 **2.15.340 Limited purpose landfills.**

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

14 **2.15.350 Inert waste landfills.**

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

16 **2.15.360 Active, closed, and abandoned landfills.**

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

- 24 1. Landfill cap and surface repairs and maintenance;  
25 2. Explosive gases, such as methane, monitoring and control;  
26 3. Surface and groundwater monitoring;

- 1       4. Leachate control and treatment; and
- 2       5. Any additional measures determined by the health officer to be necessary to
- 3       protect human health and the environment.
- 4    B. The health officer has the right to inspect, monitor, direct, and order remedial action
- 5       on any closed or abandoned landfill site.
- 6    C. *Construction Requirements.* If an owner of a closed or abandoned landfill proposes
- 7       or is required to conduct site work or construction on the landfill or the property that
- 8       the landfill is on, then the owner of the landfill shall submit proposed construction
- 9       and remediation plans to the health officer for review and comment. The remediation
- 10       and/or construction plans must be approved by the health officer before site work
- 11       begins. The plans shall be prepared by a licensed professional engineer and shall
- 12       contain the following:
  - 13       1. A description of the proposed activities;
  - 14       2. A description of potential hazards from the activities and how the potential
  - 15       hazards will be controlled. Potential hazards may include but are not limited to
  - 16       subsidence, methane and other explosive gases or volatile compounds,
  - 17       leachate, hazards associated with subsurface utility installation, erosion, and
  - 18       water quality;
  - 19       3. A proposed timeline for the activities;
  - 20       4. Any other information that the health officer requests as part of the proposed
  - 21       activities; and
  - 22       5. A signed and stamped document by the professional engineer attesting that the
  - 23       construction and remediation activities were completed in accordance with
  - 24       her/his recommendations for preventing negative impacts from the landfill to
  - 25       human health or the environment.
- 26    D. Site modifications made to abandoned or closed landfill sites outside of health officer
- 27       approved plans may result in enforcement action against the landfill property owners
- 28       and other responsible parties.
- 29    E. *Explosive Gas Monitoring and Control At and Near Landfills.*
  - 30       1. Owners of all operational, closed or abandoned landfills except inert waste
  - 31       landfills shall provide for adequate collecting, redirecting, and venting of gases
  - 32       generated by solid waste. No explosive gas shall be allowed to migrate to or
  - 33       beyond the facility boundary above or below the ground in concentrations greater
  - 34       than the lower explosive limit for methane or in excess of 100 parts per million by
  - 35       volume of hydrocarbons (expressed as methane) in off-site structures, or in
  - 36       excess of 25 percent of the lower explosive limit for gases in facility structures
  - 37       (excluding gas control and recovery system components). It shall be the

1 responsibility of the landfill owner to develop a sampling and testing program to  
2 monitor gas production and migration. Such program shall be approved by the  
3 health officer.

4 **2. Construction Standards.**

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

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

25 c. The health officer may grant a variance to the requirements in subsection  
26 (E)(2)(b) of this section based on a review of the data submitted pursuant to  
27 subsection (E)(2)(a) of this section.

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

33 **2.15.370 Other methods of solid waste handling.**

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

1 **2.15.380 Groundwater monitoring.**

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

5 **2.15.390 Financial assurance requirements.**

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

9 **2.15.400 Remedial action.**

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

11 **Chapter 2.20**  
12 **SOLID WASTE HANDLING STANDARDS**

13 **2.20.010 Chapter 173-350 WAC.**

14 This section adopts chapter 173-350 WAC, Solid Waste Handling Standards, by  
15 reference.

16 **Chapter 2.25**  
17 **CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS**

18 **2.25.010 Chapter 173-351 WAC.**

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

1 **Chapter 2.30**  
2 **MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING**

3 **2.30.010 Chapter 173-304 WAC.**

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

6  
7 Section 4. A new Title 3 is added to the Snohomish County Board of Health Code  
8 to read:

9 **Title 3**  
10 **FOOD SAFETY**

11 Chapters:

12 3.05 Food Services.

13  
14 **Chapter 3.05**  
15 **FOOD SERVICES**

16 **3.05.010 Chapter 246-215 WAC.**

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

18  
19  
20 Section 5. A new Title 4 is added to the Snohomish County Board of Health Code  
21 to read:

22 **Title 4**  
23 **WATER RECREATION FACILITIES**

24  
25 Chapters:

26 4.05 Rules and Regulations of the State Board of Health for Water Recreation  
27 Facilities.

28 4.10 Rules and Regulations of the State Board of Health for Recreational Water  
29 Contact Facilities.

30 4.15 Water Recreation Facility Enforcement Procedures.



1 **Chapter 4.05**  
2 **RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR WATER**  
3 **RECREATION FACILITIES**

4 Sections:

- 5 4.05.010 Chapter 246-260 WAC.  
6 4.05.020 Water recreation facilities emergency equipment.  
7 4.05.030 Fresh water public swimming beach regulations.

8 **4.05.010 Chapter 246-260 WAC.**

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

10 **4.05.020 Water recreation facilities emergency equipment.**

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

14 The Snohomish County Board of Health does modify the requirements of WAC 246-  
15 260-041(11)(b) and WAC 246-260-051(5)(b) to require provision of either:

- 16 A. A telephone within one minute access; or  
17 B. Alternate means for reaching emergency medical service response numbers in all  
18 limited use swimming pool and spa facilities; and  
19 C. Provision of an audible emergency alarm to alert others at area of need to respond.

20 **4.05.030 Fresh water public swimming beach regulations.**

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

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

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

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

- 6 1. Persons with an infectious illness, including vomiting or diarrhea within the past  
7 seven days, should not enter the beach waters.
- 8 2. Persons should shower thoroughly before entering the beach waters.
- 9 3. Children who are not toilet trained should not enter the water.
- 10 4. Small children should be taken on frequent bathroom breaks to avoid  
11 contamination of the beach water.
- 12 5. All persons, including children, should thoroughly wash hands with soapy water  
13 after using the restroom or changing diapers and before entering the beach  
14 water.
- 15 6. All persons, especially children, should be careful not to swallow any beach  
16 water.
- 17 7. Swimmers should wash their hands and face thoroughly with soapy water after  
18 swimming and before eating or preparing food.
- 19 8. Pets should not be allowed in the public bathing beach waters or nearby  
20 inflowing streams and should be kept on a leash at all times. Pet droppings  
21 should be immediately collected by the owner and disposed of in a sanitary  
22 manner.
- 23 9. Waterfowl should not be fed or otherwise encouraged to be in the public bathing  
24 beach area.

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

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

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

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

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

3 **Chapter 4.10**  
4 **RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR**  
5 **RECREATIONAL WATER CONTACT FACILITIES**

6 Sections:

7 4.10.010 Chapter 246-262 WAC.

8 **4.10.010 Chapter 246-262 WAC.**

9 This section adopts chapter 246-262 WAC, Recreational Water Contact Facilities, by  
10 reference.

11 **Chapter 4.15**  
12 **WATER RECREATION FACILITY ENFORCEMENT PROCEDURES**

13 Sections:

14 4.15.010 Authority.

15 4.15.020 Inspection frequency – form.

16 4.15.030 Types of enforcement actions.

17 4.15.040 Office conference for water recreation facilities.

18 4.15.050 Mandatory training.

19 4.15.060 Permit suspension of water recreation facilities.

20 4.15.070 Water recreation facility closures– lack of valid permit.

21 4.15.080 Revocation of permit(s).

22 **4.15.010 Authority.**

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

1 **4.15.020 Inspection frequency – form.**

- 2 A. *Inspection Frequency.* Water recreation facilities will generally be inspected three  
3 times a year. Facilities operating on a seasonal basis (less than six months annually)  
4 will be inspected at least twice during their season. Facilities with identified problems  
5 may be subject to more frequent inspections.
- 6 B. *Inspection Form.* Snohomish County Health Department form titled “Water  
7 Recreation Facility Inspection Report” or the Department of Health form titled “Water  
8 Recreation Facility Inspection Form” will be used.

9 **4.15.030 Types of enforcement actions.**

10 Types of enforcement actions for water recreation facilities include:

- 11 A. *Office Conference.* A conference, in lieu of Water Recreation Facility Operating  
12 Permit (permit) suspension.
- 13 B. *Mandatory Training.* Requiring the Water Recreation Facility owner or authorized  
14 representative to participate in training to improve basic skills for operating pools.
- 15 C. *Permit Suspension.* By suspension of the permit.
- 16 D. *Closure for Lack of Permit.* By health officer’s order when a valid permit does not  
17 exist.
- 18 E. *Permit Revocation.* By revocation of the permit.

19 **4.15.040 Office conference for water recreation facilities.**

- 20 A. *Reasons for an Office Conference.* When an inspection indicates the presence of  
21 ongoing or repeated violations of the water recreation facilities regulations, chapters  
22 246-260 and 246-262 WAC, an office conference may be scheduled.
- 23 B. *Fee Required.* An office conference shall be accompanied by payment of a fee as  
24 established by the Board of Health in the fee schedule, provided in chapter 1.40  
25 SCBHC.
- 26 1. The problems identified during the inspection will be reviewed with the operator  
27 and/or owner who will be advised that subsequent findings of a like nature will  
28 result in permit suspension.
- 29 2. Each owner will be allowed one office conference, the purpose of which will be  
30 educational and instructional in nature, in lieu of automatic permit suspension.

1 3. Office conferences may be followed by additional inspections beyond the routine  
2 inspection schedule as established by the safe environments section supervisor.

3 **4.15.050 Mandatory training.**

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

6 *Failure to Demonstrate Knowledge.* When an inspection indicates the presence of  
7 ongoing or repeated violations of the water recreation facilities regulations, chapters  
8 246-260 and 246-262 WAC, related to the operation and maintenance of the pool,  
9 mandatory training may be required. If the owner fails to identify the correct water  
10 chemistry parameters such as acceptable pH range and disinfectant levels as well as  
11 failing to know how to document the results of required water testing the owner or  
12 operator may be required to attend a Certified Pool Operator (CPO) or equivalent  
13 training approved by the Washington State Department of Health within a timeframe  
14 determined by the health officer.

15 **4.15.060 Permit suspension of water recreation facilities.**

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

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

25 2. *Potential Health Hazard.* When any of the operational support capabilities are not  
26 sufficient to prevent existence of a potential health hazard and no immediate  
27 remedy exists other than closure of the water recreational facility. Examples are:  
28 malfunctioning water filtration and/or disinfection equipment, methods,  
29 processes, or procedures; malfunctioning water heating equipment; chemical  
30 disinfectant, water pH, or water turbidity not within limits required in chapters  
31 246-260 and 246-262 WAC; bacteria count exceeding safe limits and operational  
32 causes remain uncorrected.

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

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

2 1. *Existing Immediate Health or Safety Hazard.* When the environmental health  
3 specialist determines that an immediate health or safety hazard exists, the  
4 specialist will note the specific violations on the inspection form and state on the  
5 form that the pool(s) and/or spa(s) or the entire water recreational facility is  
6 closed, and deliver the form to the person in charge of the water recreation  
7 facility. The applicable signs indicating the notice of closure shall be posted by  
8 the specialist at the entrances to the pool(s) and/or spa(s) or the entire facility.

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

16 3. *Ongoing and Repeated Violations.* The decision to close a water recreation  
17 facility for ongoing and repeated violations will be made by the environmental  
18 health specialist and confirmed by a member of the environmental health  
19 supervisory staff. The specialist will state the specific repeat violations on the  
20 inspection form and state on the form that the pool(s) and/or spa(s) or the entire  
21 water recreational facility is closed and deliver the form to the person in charge of  
22 the water recreation facility. The applicable signs indicating the notice of closure  
23 shall be posted by the specialist at the entrances to the pool(s) and/or spa(s) or  
24 to the entire facility.

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

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

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

39 3. *Reinspection Fee.* A reinspection fee, as established by the Board of Health, will  
40 be charged to each permitted facility after the facility permit has been suspended.

1 Payment must be received in the SCHED's environmental health division office no  
2 later than the close of business on the first business day following the closure or  
3 the permit will be considered invalid and the facility subject to SCBHC 4.15.070.

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

5 **4.15.070 Water recreation facility closures – lack of valid permit.**

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

- 8 1. Failure to obtain a water recreation facility operating permit.  
9 2. Failure to renew a water recreation facility operating permit within the permit  
10 renewal time.

11 B. *Procedures*.

- 12 1. *Health Officer's Order*. Closure of a water recreation facility lacking a valid water  
13 recreation facility operating permit shall be accomplished through issuance of a  
14 health officer's order, said order to be delivered to the facility operator and mailed  
15 to the owner of the facility by both regular and certified mail. Notice by mail will  
16 be considered acceptable if the order cannot be delivered to the facility.  
17 2. *Application to Reopen*. A water recreation facility closed due to lack of a valid  
18 water recreation facility operating permit may be opened upon payment of the  
19 requisite fee and obtaining such permit.

20 **4.15.080 Revocation of permit(s).**

21 A. *Reasons for Revocation of Permit(s)*.

- 22 1. *Serious and/or Repeated Violations*. When enforcement efforts for water  
23 recreation facilities have failed and serious and/or repeated violations of chapters  
24 246-260 and 246-262 WAC continue, and such violations represent a serious  
25 public health hazard or represent continued poor sanitary and safety practices of  
26 a serious nature, the permit may be revoked by the health officer or health  
27 officer's designee.  
28 2. *Interference with Environmental Health Staff*. When water recreation facility staff  
29 have prevented inspection activities or otherwise interfered in the performance of  
30 duty of Snohomish County health department staff, the permit may be revoked by  
31 the health officer or health officer's designee.

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

4 B. *Procedures.*

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

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

21 3. *Application for New Permit.* A permit holder whose water recreation facility  
22 operating permit has been revoked may make written application and pay fee for  
23 the purpose of obtaining a new permit. A review will be provided before the  
24 health officer or health officer's designee to determine if a new permit should be  
25 issued.  
26

27 Section 6. A new Title 5 is added to the Snohomish County Board of Health Code  
28 to read:  
29

30 **Title 5**  
31 **WASTEWATER**

32 Chapters:

- 33 5.05 On-Site Sewage Disposal Regulations.  
34 5.10 Vertical Separation.  
35 5.15 Supplemental On-Site Sewage Disposal Policies and Procedures –  
36 Repairs and Remodels.  
37 5.20 Land Division Review, Restricted Use of Easements.  
38 5.25 Community systems.  
39 5.30 Use of Sand Filter System/Mound System on Sites with 12 Inches to 18  
40 Inches of Suitable Soil, Use of Boot with Sand Filter Liner.





1 **Chapter 5.15**  
2 **SUPPLEMENTAL ON-SITE SEWAGE DISPOSAL POLICIES AND PROCEDURES –**  
3 **REPAIRS AND REMODELS**

4 Sections:

- 5 5.15.010 Authority.  
6 5.15.020 Purpose.  
7 5.15.030 Applicability.  
8 5.15.040 Remodeling approval required.

9 **5.15.010 Authority.**

10 The regulations in this chapter are established pursuant to authority vested in the  
11 Snohomish County Board of Health by RCW 70.05.060 and WAC 246-272A-0015(9).  
12 The regulations are adopted for the protection of public health through the mechanism  
13 of providing guidance to the health officer with regard to the applicability of chapter 246-  
14 272A WAC to proposed remodeling projects and construction of structures other than  
15 residences.

16 **5.15.020 Purpose.**

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

25 **5.15.030 Applicability.**

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

29 **5.15.040 Remodeling approval required.**

30 All existing buildings or structures to which additions, alterations, or improvements are  
31 made after the effective date of these policies and procedures shall be served by an on-  
32 site sewage disposal system complying with chapter 246-272A WAC; provided,

1 however, the health officer may waive compliance with these requirements for existing  
2 buildings or structures when additions, alterations, repairs, or improvements to the  
3 building or structure are compatible with and do not adversely impact the existing on-  
4 site sewage disposal system and potential reserve drainfield area, the system is  
5 adequate to treat the on-site sewage expected to be generated over the remaining  
6 useful life of the structure, and the continued operation of the system will not adversely  
7 affect public health, surface water quality, or groundwater quality.

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

12 B. The health officer shall review all applications to determine compatibility of the  
13 proposed addition, alteration, repair, or improvement with the existing on-site  
14 sewage disposal system.

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

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

18 b. Size of drainfield in relation to proposed use;

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

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

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

23 f. Ultimate purpose of the remodeling;

24 g. Approved source of water;

25 h. Potential use of the structure after remodeling.

26 2. The health officer may require the applicant to furnish such exhibits and  
27 information as may be deemed relevant and necessary to the application.

28 C. After reviewing the application, the health officer shall notify the building authority  
29 and applicant that either:

30 1. The application is approved; or

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

32 3. The application is disapproved and the reasons therefor.

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**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 6.05 through 6.20 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

1 disclosed to the Environmental Health Division (EHD) concerning the proposed land  
2 division and setting forth information to be furnished to the EHD prior to requesting  
3 SCHD to make preliminary and final recommendations to the city or county land use  
4 authority for the approval of a particular land division. Nothing contained in the process  
5 shall be construed to prevent the health officer from requiring compliance with higher  
6 requirements than those contained herein where such higher requirements are essential  
7 to maintain a safe and sanitary condition.

8 **5.20.040 Land division – purpose.**

9 In accordance with state and local requirements, the Snohomish County health  
10 department is obligated to assess a proposed land division for compliance with the on-  
11 site sewage disposal regulation, chapter 246-272A WAC and chapters 6.05 through  
12 6.20 SCBHC and SCBHC Title 5. These regulations require that each lot of a proposed  
13 land division be capable of supporting an on-site sewage disposal system and 100  
14 percent reserve area within the proposed lot line boundaries. Additionally, the  
15 regulations contain specific requirements concerning the location of existing and  
16 proposed water wells and approved source of potable drinking water.

17 **5.20.050 Land division – background.**

18 The following process is established pursuant to chapters 6.05 through 6.20 SCBHC  
19 and SCBHC Title 5, prescribing minimum requirements and standards for the use of on-  
20 site sewage disposal systems in land divisions, prescribing data to be disclosed to the  
21 environmental health division concerning the proposed land division, and setting forth  
22 information to be furnished to the environmental health division prior to any request for  
23 SCHD to make preliminary and final recommendations to municipal land use authority  
24 for the approval of a particular land division.

25 **5.20.060 Land division – definitions.**

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

29 “Short subdivision” means a division or redivision of land into four or less lots.

30 “Subdivision” means a division or redivision of land into five or greater lots.

31 **5.20.070 Land division – short subdivision review procedure.**

32 A. *Method A – Soil Survey.*

- 1           1. *Preliminary Short Subdivision Review Requirements and Report.* An application  
2           requesting SCHD to conduct a preliminary short subdivision review is received  
3           from a certified on-site sewage disposal designer or professional engineer.  
4           Application is made on SCHD form “Request for Preliminary Short Subdivision  
5           Review” and shall provide information as prescribed in WAC 246-272A-0320,  
6           Developments, Subdivisions and Minimum Land Area Requirements.
- 7           a. At a minimum, the application must include the following:
- 8                   (1) Applicable review fees, as set forth in chapter 1.40 SCBHC, under  
9                   Subdivision of Property: Short Subdivision, a) Preliminary Soil Survey.
- 10                  (2) Two copies of the preliminary subdivision plat map showing: scale, north  
11                  arrow, proposed lot layout, proposed lot sizes, general dimensions of lots,  
12                  easements, existing structures, location of all existing on-site sewage  
13                  disposal systems and reserve areas, general contours, streams, and  
14                  surface water within 100 feet of the project site, proposed well sites, wells  
15                  within 200 feet of the project site and location of soil test holes.
- 16                  (3) Engineer or certified designer’s description of soil profile from at least two  
17                  soil log test holes on each proposed lot. Soil log test hole identification,  
18                  flagging, construction, and maintenance as well as soil descriptions shall  
19                  be consistent with the requirements contained in SCBHC Title 5.
- 20                  (4) Proposed source of potable drinking water.
- 21           b. Proposed lot corners are to be flagged and identified on site prior to SCHD  
22           site review.
- 23           c. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires  
24           configuration of each lot to allow a 100-foot radius water supply protection  
25           zone to fit within the proposed lot lines or, if this is not possible, to establish a  
26           100-foot protection zone around each existing and proposed well site.
- 27           d. If a new community/public well is proposed, an application for public well site  
28           inspection must be submitted, reviewed, and approved by the health  
29           department. Prior to final short subdivision approval, the public water supply  
30           must be constructed and approved by the health department and, when  
31           applicable, by the Washington State Department of Health.
- 32           2. *Final Short Subdivision Review Requirements.* Application requesting SCHD to  
33           conduct a final short subdivision review is received from a certified on-site  
34           sewage disposal designer or professional engineer with required information as  
35           prescribed in WAC 246-272A-0320. Application is made on SCHD form “Request  
36           for Final Short Subdivision Review.”
- 37           a. At a minimum, the application must include the following:

- 1 (1) Applicable review fees as set forth in chapter 1.40 SCBHC, under  
2 Subdivision of Property: Short Subdivision, b) Final Review and  
3 Recording.
- 4 (2) Two copies of the final short subdivision plat map showing: scale, north  
5 arrow, final lot layout, lot sizes, dimensions of lots, roads, storm water  
6 control features, easements, existing structures, all existing on-site  
7 sewage disposal systems and reserve areas, general contours, streams,  
8 and surface water within 100 feet of the project site, wetlands, native  
9 growth protection areas, proposed well sites, wells within 200 feet of the  
10 project site and location of soil test holes.
- 11 (3) Description of soil profiles from five soil log test holes located in the  
12 proposed on-site sewage system primary and reserve area on each  
13 proposed lot. Soil log test hole identification, flagging, construction, and  
14 maintenance as well as soil descriptions shall be consistent with the  
15 requirements contained in SCBHC Title 5.
- 16 (4) Scaled site designs for each proposed lot demonstrating sufficient area  
17 for on-site sewage system and reserve area, lot lines, easement lines,  
18 road locations, wells, surface waters, drainage features, sensitive areas,  
19 and features which may impact the placement of the on-site sewage  
20 system.
- 21 b. Lot corners must be surveyed and staked, all roads cut in, and any storm  
22 water drainage system installed.
- 23 c. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires  
24 configuration of each lot to allow a 100-foot radius water supply protection  
25 zone to fit within the proposed lot lines, or, if this is not possible, to establish a  
26 100-foot protection zone around each existing and proposed well site.
- 27 d. If a new community/public well is proposed, the public water supply must be  
28 constructed and proven adequate. Approval by the health department and,  
29 when applicable, by the Washington State Department of Health must be  
30 received prior to recording.
- 31 e. If an existing public water supply will serve the subdivision, the water system  
32 expansion must be approved by the regulatory authority and a letter of  
33 availability from the water system purveyor must be submitted.
- 34 B. *Method B – Individual Applications for On-Site Sewage Disposal Permit –*  
35 *Preliminary and Final Short Subdivision Review Process.* Applications for on-site  
36 sewage disposal permits are submitted for each of the proposed lots by a certified  
37 designer or professional engineer.

- 1 1. Payment of applicable review fees as set forth in chapter 1.40 SCBHC, under  
2 On-site Sewage Disposal System Designs.
- 3 2. Application, design preparation, soil log test hole construction, identification,  
4 flagging and maintenance as well as soil descriptions shall be consistent with the  
5 requirements contained in SCBHC Title 5.
- 6 3. An as-built of any existing on-site sewage disposal system must be provided  
7 along with soil logs in the reserve area for any lot that has an existing dwelling.
- 8 4. Proposed lot corners are to be flagged and identified on site.
- 9 5. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires  
10 configuration of each lot to allow a 100-foot radius water supply protection zone  
11 to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot  
12 protection zone around each existing and proposed well site.
- 13 6. If a new community/public well is proposed, an application for public well site  
14 inspection must be submitted, reviewed, and approved by the health department.  
15 Prior to final short subdivision approval, the public water supply must be  
16 constructed. Approval by the health department and, when applicable, by the  
17 Washington State Department of Health must be received prior to recording.
- 18 7. If an existing public water supply will serve the subdivision, the water system  
19 expansion must be approved by the regulatory authority and a letter of availability  
20 from the water system purveyor must be submitted.

21 **5.20.080 Land division – subdivision review procedure.**

- 22 A. *Preliminary Subdivision Review Requirements and Report.* Application requesting  
23 SCHD to conduct a preliminary subdivision review is received from a certified on-site  
24 sewage disposal designer or professional engineer. Application is made on SCHD  
25 form “Request for Preliminary Subdivision Review” and shall provide information as  
26 prescribed in WAC 246-272A-0320, Developments, Subdivisions, and Minimum  
27 Land Area Requirements.
- 28 1. At a minimum, the application must include the following:
    - 29 a. Applicable review fees as set forth in chapter 1.40 SCBHC, under Subdivision  
30 of Property.
    - 31 b. One copy of the preliminary plat map showing: scale, north arrow, proposed  
32 lot layout, proposed lot sizes, general dimensions of lots, easements, existing  
33 structures, location of all existing on-site sewage disposal systems and  
34 reserve areas, general contours, streams, and surface water within 100 feet



- 1 of the project site, proposed well sites, wells within 200 feet of the project site,  
2 and location of preliminary soil test holes.
- 3 c. Preliminary large long plat soil review (lots five acre minimum) applications  
4 shall include a plat map showing the location together with soil profile  
5 descriptions of the designer's or professional engineer's preliminary test pits.  
6 Backhoe pits as described in subsection (A)(3) of this section are to be  
7 provided for the health department at the time of field review.
- 8 d. Proposed source of potable drinking water for each proposed lot.
- 9 2. Reference points must be identified on site for the purpose of identifying map  
10 locations in the field (i.e., traverse lines, identified in field, depicted on preliminary  
11 plat map).
- 12 3. Applicant's certified designer or professional engineer will coordinate a detailed  
13 review of the site and soils with the health department representative at which  
14 time backhoe pits or equivalent prepared and maintained in accordance with  
15 WAC 246-272A-0220(3) shall be provided.
- 16 a. A backhoe should be available on site for additional holes and to backfill pits  
17 after soil profiles have been recorded.
- 18 b. A minimum of one soil log per proposed lot must be provided for review.
- 19 c. Soil profile descriptions and locations are to be recorded by the designer or  
20 professional engineer who shall also show the location of test pits accurately  
21 on subsequent preliminary plat maps.
- 22 d. In accordance with WAC 246-272A-0220, the owner of the property or  
23 owner's agent is responsible for constructing and maintaining the soil log  
24 excavation in a manner to prevent physical injury. The SCHD recommends  
25 any excavation be done the same day as the soil logs are examined.  
26 Furthermore, the SCHD recommends backfilling all soil test pits as soon as  
27 the soil logs are recorded, but not later than the end of the day that the logs  
28 are reviewed. SCHD assumes no responsibility for test pit backfilling or  
29 uncovered test pits.
- 30 4. A copy of the preliminary plat map showing locations of soil log excavations is to  
31 be submitted prior to health department preliminary plat recommendation to the  
32 lead agency.
- 33 5. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires  
34 configuration of each lot to allow a 100-foot radius water supply protection zone  
35 to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot  
36 protection zone around each existing and proposed well site.

- 1       6. If a new community/public well is proposed, an application for public well site  
2       inspection must be submitted, reviewed, and approved by the health department.  
3       Prior to final long plat approval, the public water supply must be constructed and  
4       approved by the health department and, when applicable, by the Washington  
5       State Department of Health.
  
- 6       B. *Final Subdivision Review Requirements.* Application requesting SCHD to conduct a  
7       final subdivision review is received from a certified on-site sewage disposal designer  
8       or professional engineer with required information as prescribed in WAC 246-272A-  
9       0320 and SCBHC Title 5. Application is made on SCHD form "Request for Final  
10      Subdivision Review."
  
- 11      1. At a minimum, the application must include the following:
  - 12       a. Applicable review fees as set forth in chapter 1.40 SCBHC under Subdivision  
13       of Property: Long Plat, Recording.
  
  - 14       b. Two copies of the final plat map showing: scale, north arrow, final lot layout,  
15       lot sizes, dimensions of lots, roads, storm water control features, easements,  
16       existing structures, all existing on-site sewage disposal systems and reserve  
17       areas, general contours, streams, and surface water within 100 feet of the  
18       project site, wetlands, native growth protection areas, proposed well sites,  
19       wells within 200 feet of the project site, and location of soil test holes.
  
  - 20       c. Scaled site design for each proposed lot demonstrating sufficient area for on-  
21       site sewage system and reserve area, lot lines, easement lines, road  
22       locations, wells, surface waters, drainage features, sensitive areas, and  
23       features which may impact the placement of the on-site sewage system.
  
- 24      2. Lot corners must be surveyed and staked, all roads cut in, and any storm water  
25      drainage system installed.
  
- 26      3. If individual wells are proposed, WAC 246-272A-0320(2)(b) requires  
27      configuration of each lot to allow a 100-foot radius water supply protection zone  
28      to fit within the proposed lot lines or, if this is not possible, to establish a 100-foot  
29      protection zone around each existing and proposed well site.
  
- 30      4. If a new community/public well is proposed, the public water supply must be  
31      constructed and approved by the health department and, when applicable, by the  
32      Washington State Department of Health.
  
- 33      5. If an existing public water supply will serve the subdivision, the water system  
34      expansion must be approved by the regulatory authority and a letter of availability  
35      from the water system purveyor must be submitted.

1 **5.20.090 Restricted use of easements – purpose.**

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

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

9 **5.20.100 Restricted use of easements – applicability.**

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

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

18 **Chapter 5.25**  
19 **COMMUNITY SYSTEMS**

20 Sections:

- 21 5.25.010 Authority.
- 22 5.25.020 Purpose and policy declared.
- 23 5.25.030 Applicability.
- 24 5.25.040 Definitions.
- 25 5.25.050 Community on-site sewage disposal systems.

26 **5.25.010 Authority.**

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

1 **5.25.020 Purpose and policy declared.**

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

6 **5.25.030 Applicability.**

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

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

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

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

18 **5.25.040 Definitions.**

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

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

24 **5.25.050 Community on-site sewage disposal systems.**

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

26 B. Prior to construction, plans and specifications for community on-site sewage  
27 disposal systems shall be submitted to and approved by the health officer or  
28 delegated representative.

29 1. *Submission of Plans and Specifications.*

- 1 a. Before installing or entering into a contract for installing a community system,  
2 an on-site sewage disposal system application with complete plans and  
3 specifications shall be submitted to SCHD fully describing such community  
4 on-site sewage disposal system, and upon receipt of written approval by the  
5 health officer or delegated representative the plans and specifications shall be  
6 adhered to unless deviations are first submitted to and receive written  
7 approval of the health officer or delegated representative.
- 8 b. A detailed operation and maintenance manual, fully describing the treatment  
9 and disposal systems and outlining routine maintenance procedures for  
10 proper operation of the system, shall be submitted prior to final approval of  
11 the system.
- 12 2. All applications, plans and specifications for new community on-site sewage  
13 disposal systems, extensions, or alterations, shall be prepared by a sewage  
14 disposal designer certified with SCHD or a Washington State registered  
15 professional engineer.
- 16 3. Management and maintenance of community on-site sewage disposal systems  
17 shall be provided by a public agency as defined in RCW 39.34.020 acting as the  
18 management authority or acting as third party trust if management is performed  
19 by a private entity. The management system shall comply with the Management  
20 and Maintenance Guidelines for LOSS, dated June 29, 2004, as published by the  
21 Washington State Department of Health.
- 22 a. The fee for review of the proposed waste management document is set by  
23 the Snohomish County Board of Health, as set forth in chapter 1.40 SCBHC.
- 24 b. The application shall be accompanied by an opinion letter from an attorney  
25 licensed to practice law in the state of Washington representing that the  
26 management agreement complies with all applicable laws and regulations  
27 and is a valid and binding obligation of all parties thereto. The opinion letter  
28 shall be in such form as the health officer or delegated representative may  
29 require.
- 30 c. The management authority shall prepare a user's manual which describes the  
31 responsibilities and duties of the user along with precautionary information as  
32 may be necessary to preclude inadvertent abuse to the sewage system. A  
33 copy of such manual shall be provided to each user at the time of purchase.
- 34 4. After approval of the application and design by SCHD, an on-site sewage  
35 disposal system installation permit shall be obtained prior to installing the  
36 community system. When applicable, on-site sewage disposal system installation  
37 permits shall be obtained for each structure prior to the septic tank, pump, or  
38 dosing tank and connecting line to the community system being installed.

1 Chapter 5.30

2 **USE OF SAND FILTER SYSTEM/MOUND SYSTEM ON SITES WITH 12 INCHES TO**  
3 **18 INCHES OF SUITABLE SOIL, USE OF BOOT WITH SAND FILTER LINER**

4 Sections:

- 5 5.30.010 Sand filter system – purpose.  
6 5.30.020 Sand filter liner – purpose.  
7 5.30.030 Sand filter liner – standards.

8 **5.30.010 Sand filter system – purpose.**

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

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

16 **5.30.020 Sand filter liner – purpose.**

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

22 **5.30.030 Sand filter liner – standards.**

- 23 A. The system designer is to identify the use of a sand filter liner with underdrain and  
24 boot as a part of the application for on-site sewage disposal permit and provide  
25 specifications detailing design and installation requirements.
- 26 B. The boot is to be installed by the manufacturer or the manufacturer’s representative.
- 27 C. The boot outlet is to be bedded in sand.
- 28 D. The boot is to be sized to accommodate a four-inch underdrain outlet pipe.
- 29 E. The boot is to be secured to the four-inch outlet pipe with two stainless steel bands  
30 and screws and sealant strips as recommended by the manufacturer.

- 1 F. The underdrain is to be designed in accordance with Recommended Standards and
- 2 Guidance for Performance, Application, Design, and Operation and Maintenance
- 3 Intermittent Sand Filter Systems, July 1, 2007, Appendix C, Underdrains, and exit
- 4 the side of the liner.
  
- 5 G. Sewer pipe from the sand filter to the drainfield shall be ASTM 3034 ring tight.
  
- 6 H. The trench from the sand filter to the drainfield shall be backfilled with a minimum
- 7 five-foot clay or hardpan dam to prevent the trench from acting as a conduit for
- 8 groundwater movement towards the drainfield.
  
- 9 I. During the initial implementation period of this procedure, the Snohomish County
- 10 Health Department may require performance testing of the sand filter/boot for
- 11 leakage. The need for a performance test shall be discussed and agreed upon at the
- 12 preconstruction conference. The performance test shall be conducted by:
  
- 13 1. Block outlet pipe.
- 14 2. Fill underdrain gravel with water.
- 15 3. Measure and record elevation of water through observation/inspection port.
- 16 4. Let stand 24 hours minimum.
- 17 5. Measure and record elevation of water through observation/inspection port.
- 18 6. No allowable drop in the water level.

20 **Chapter 5.40**

21 **ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLER CERTIFICATION PROGRAM**

22 **AND INSTALLATION REQUIREMENTS**

- 23 Sections:
- 24 5.40.010 Purpose and authority.
  - 25 5.40.020 Definitions.
  - 26 5.40.030 Certificate required.
  - 27 5.40.040 Duties and obligations.
  - 28 5.40.050 Installer certification.
  - 29 5.40.060 Installer company certification.
  - 30 5.40.070 Health officer approval required.
  - 31 5.40.080 Installation requirements.

1 **5.40.010 Purpose and authority.**

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

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

9 The health officer and local board of health shall administer these regulations under  
10 authority and requirements of chapters 43.20 and 70.05, RCW, as well as the  
11 underlying chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0340  
12 a mandate for the establishment of the installer program.

13 **5.40.020 Definitions.**

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

16 “Certified company” means a business entity which employs individuals possessing an  
17 installer certification.

18 “Design.” An OSS design shall consist of a complete scale drawing of the site plan  
19 showing the proposed sewage disposal system installation, including all relevant values  
20 and details, and using the format and application forms provided by SCHD. The  
21 presentation of requisite soil test holes, information, and markers at the site of the  
22 intended development is considered to be part of the design.

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

28 “Installer certificate of competency” means a document issued by SCHD indicating an  
29 individual’s satisfactory completion of the application and testing procedures relative to  
30 OSS.

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

33 “Violation” means the construction or omission of any significant element of an on-site  
34 sewage disposal system which, if left uncorrected, may result in the malfunction of the  
35 wastewater treatment or disposal system, or would allow the use of the system to



1 circumvent required treatment and disposal of wastewater. Also, OSS construction work  
2 that is performed without a permit or approval from SCHED. This includes but is not  
3 limited to: a drainfield installation in violation of the applicable rules and regulations; an  
4 installation not fitting the size, shape or topography of the site or its setbacks; use of  
5 inadequate construction materials, devices or methods; a sewage disposal system  
6 construction flaw that could allow the contamination of groundwater; a sewage disposal  
7 system that is installed at an unsafe distance from a water supply or surface water; OSS  
8 construction that could malfunction or allow sewage to discharge to the surface.

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

11 **5.40.030 Certificate required.**

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

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

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

20 D. When complying with the requirements of this chapter, the certified individual  
21 represents the certified company with which he or she is employed. The certified  
22 company, as well as the certified individual, may be subject to disciplinary action for  
23 violating the requirements of this chapter.

24 **5.40.040 Duties and obligations.**

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

29 **5.40.050 Installer certification.**

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

- 1 A. *Qualification.* Under these regulations an individual shall be subjected to testing, as  
2 is further defined herein, as well as be obligated to satisfy contractor licensing  
3 requirements as referenced.
- 4 B. *Term.* An installer certificate of competency shall run from the date of issue  
5 concurrent with the calendar year and will expire on December 31 of the year unless  
6 otherwise suspended or revoked.
- 7 C. *Application and Testing.* Certification of installer’s competency shall be determined  
8 in the following manner:
- 9 1. The applicant must file notice of interest with the health officer requesting to be  
10 placed on the test candidate register.
- 11 2. Testing will be conducted at monthly intervals by the health officer of individuals  
12 named in the current test candidate register. At the time of testing, an applicant  
13 for installer certification of competency must submit an application and payment  
14 of the examination fee as set forth in chapter 1.40 SCBHC.
- 15 3. Testing will consist of three phases:
- 16 a. A written exam to determine the applicant’s knowledge of public health  
17 problems involved in on-site treatment and disposal of sewage; of water and  
18 wastewater rules, regulations and policies; of standards of design,  
19 construction and installation; of soil/site evaluation; and of sewage treatment  
20 theory. If the applicant scores below 70 percent on the written exam, the  
21 applicant fails that exam and must wait until the next scheduled examination  
22 to re-take the exam and may not continue with any other part of this  
23 examination.
- 24 b. A practical field exercise consisting of the examination of a site for a proposed  
25 OSS installation, at a time and place selected by the health officer, and a  
26 verbal description of methods of installation, and submittal of a preliminary  
27 written bid for construction of the proposed OSS including an itemization of  
28 materials, equipment, and labor costs. This exercise must be taken within 90  
29 days of passing the written examination and completed to the satisfaction of  
30 the health officer; otherwise, the applicant will be required to retake the entire  
31 testing procedure.
- 32 c. A satisfactory oral review with the health officer of the test results completes  
33 the exam.
- 34 D. *Issuance.* A certificate will be issued by the health officer to qualified individuals who  
35 have passed the necessary written examination, field exercise, oral review, and  
36 otherwise complied with the other licensing and bonding requirements contained  
37 herein so as to demonstrate that said candidate appears to be qualified to install  
38 sewage disposal systems consistent with the category of the certificate being

1 sought. This certification does not constitute a guaranty, a warranty, or any  
2 representation by SCHED relative to the specific work or performance of the  
3 certificate holder.

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

8 1. A new certificate shall be issued upon:

9 a. Determination of competency through testing as described above.

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

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

13 2. A renewal installer certificate of competency will be issued to a holder of an  
14 expired installer certificate upon receipt of payment not later than March 1 of the  
15 next certificate year. A late fee, as prescribed in the current fee schedule, shall  
16 be imposed on applications for renewal received later than that date. After March  
17 31, the certificate will be nonrenewable and the installer must apply for new  
18 certification as outlined in subsections (C) and (D) of this section. OSS  
19 installations performed by any installer seeking renewal of the installer certificate  
20 will not be approved until the renewal application is completed and the annual fee  
21 is paid.

22 E. *Suspension and Revocation – General Information.* The health officer may suspend  
23 or revoke any installer certification of competency upon making the determination  
24 that the holder has performed with negligence, incompetence, misrepresentation, or  
25 violation of the rules, regulations, guidelines, policies, or practices adopted by SCHED  
26 which pertain to water supply and wastewater disposal, either existing at the time of  
27 certification or as thereafter enacted.

28 F. *Suspension.* The certificate may be suspended by the health officer for any of the  
29 following reasons:

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

36 2. Upon finding that the conditions of installer certification are no longer in effect,  
37 specifically the maintenance of the Washington State contractor license, or by  
38 the abandonment of the occupation either by relocation out of state, or by

1 inactivity for more than one year, the certification shall be suspended. The  
2 installer shall be notified by certified and regular mail of the immediate  
3 suspension of the installer certificate of competency.

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

8 *G. Reinstatement of Suspension.*

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

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

19 3. Upon proof of reinstatement of the performance bond or contractor's license,  
20 where that is the only fault, the certificate of competency can be immediately  
21 reinstated by the health officer.

22 *H. Appeal of Suspension.*

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

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

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

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

31 a. The creation of an extremely serious health hazard.

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

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

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

- 1 e. Asserting undue influence on or interference with SCHD staff.
- 2 2. When notification of the installer through the violation notice process has resulted
- 3 in the issuance of a notice of violation beyond the second suspension of
- 4 certification, the certificate shall be subject to revocation by the health officer.
- 5 3. Once revoked, a certificate of competency will not be granted to an individual at
- 6 any time within the subsequent three-year period from the date of notification.
- 7 4. The health officer will not revoke a certificate until an opportunity has been
- 8 provided for an administrative review before the health officer or the health
- 9 officer's designee. Certificates shall be revoked through issuance of a health
- 10 officer's order, to be mailed to the certificate holder by regular and certified mail.
- 11 Appeals of a revocation of a certificate of competency shall be conducted in
- 12 accordance with chapter 1.20 SCBHC.
- 13 J. *Installing without Certification.* An individual found to be engaging in the business of
- 14 OSS installation or repair without requisite certification shall be notified by the health
- 15 officer, by certified mail, of these requirements. If eligible, the individual is to submit
- 16 for examination at the next regularly scheduled time and pay double the test and
- 17 certification fee. Refusal to comply with these requirements will then make the
- 18 individual ineligible for certification for three years.
- 19 K. *Fees.* An installer must submit the fees in chapter 1.40 prior to issuance of an
- 20 installer certificate of competency. Application for reinstatement following
- 21 suspension or revocation requires submittal of the appropriate annual certificate and
- 22 examination fees under chapter 1.40 by the installer.

23 **5.40.060 Installer company certification.**

24 Each company applying for certification and/or recertification must satisfy the following:

- 25 A. *Fees.* Fees as adopted by the Snohomish County Board of Health must be
- 26 submitted prior to issuance of an installer company certificate of competency.
- 27 Application for reinstatement following suspension or revocation requires submittal
- 28 of appropriate annual fee.
- 29 B. *Provider List.* Annual submittal of a list of certified installers who will be performing
- 30 the work on the company's behalf. A minimum of one certified individual shall be
- 31 required for each company.
- 32 C. *Contractor's License.* Each installation company must hold a Washington State
- 33 general contractor's license or applicable specialty contractor's license. A copy of
- 34 the applicable valid contractor's license must be submitted to SCHD prior to initial
- 35 certification and annually thereafter at time of certification renewal. Listing on any

1 installation provider list maintained and distributed by SCHED will be alphabetically by  
2 company name.

3 **5.40.070 Health officer approval required.**

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

7 A. The OSS is a conventional gravity system.

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

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

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

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

15 **5.40.080. Installation requirements.**

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

19 The SCHED shall require certified installers to construct the OSS, except as noted under  
20 SCBHC 5.40.070. In all cases, construction of the OSS shall include system back fill  
21 and final grading.

22 The installer shall:

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

25 B. Have the approved design and permit in possession during installation.

26 C. Be on the site at all times during the construction of the on-site system.

27 D. Install the on-site system to be watertight, except for the disposal component.

28 E. Upon completion, post the permit on site in a conspicuous location until such time as  
29 the local health officer has granted final approval.

- 1 F. Cover the installation only after the local health officer has given approval to cover.
- 2 G. Back fill and grade the site to prevent surface water from accumulating over any
- 3 component of the on-site system.

4 **Chapter 5.50**  
5 **SEPTIC TANK PUMPER PROGRAM**

6 Sections:

- 7 5.50.010 Purpose.
- 8 5.50.020 Definitions.
- 9 5.50.030 Certificate required.
- 10 5.50.040 Reporting requirements.
- 11 5.50.050 Duties and obligations.
- 12 5.50.060 Septic tank pumper certification.

13 **5.50.010 Purpose.**

14 Pursuant to WAC 246-272A-0310 and 246-272A-0340 the following regulations are  
15 adopted.

16 The purpose of the septic tank pumper program and the underlying rules and  
17 regulations thereto is to establish minimum competency standards for individuals and  
18 companies engaged in the practice of removal of septic tank contents, conventional  
19 gravity on-site sewage system (OSS) inspection and/or the performance of limited  
20 repair measures within the jurisdiction of the Snohomish County Health Department  
21 (SCHD). ("Limited repair measure" defined in SCBHC 5.50.020).

22 The health officer and local board of health shall administer these regulations under  
23 authority and requirements of chapters 43.20 and 70.05 RCW, as well as the underlying  
24 chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0310 a mandate  
25 to approve individuals involved in septage removal and disposal and in WAC 246-272A-  
26 0340 an allowance to establish programs and requirements for approving maintenance  
27 service providers.

28 **5.50.020 Definitions.**

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

31 "Certified company" means a business entity which employs individuals who personally  
32 hold a pumper certificate of competency.

1 “Inspection” means a complete and thorough evaluation of OSS components and the  
2 ground surface over the gravity subsurface soil absorption system (SSAS). The  
3 evaluation of proprietary and nonproprietary pretreatment devices, SSAS other than  
4 conventional gravity and other related components such as timers and control panels  
5 must be deferred to a certified monitoring and maintenance specialist. Inspection may  
6 also include other incidental activities enumerated within the supplemental procedures  
7 or for which prior approval has been granted by SCHED.

8 “Limited repair measure” means repairs to OSS components not directly associated with  
9 the treatment, distribution or absorption of the sewage and as defined in WAC 246-  
10 272A-0200(2). Limited repair measures may also include other incidental activities  
11 enumerated within the supplemental procedures or for which prior approval has been  
12 granted by SCHED.

13 “Limited repair report (for limited repair measures)” means a documentation of work  
14 performed, submitted in the format and by the means designated by the health officer  
15 within 30 days from the date of service in accordance with the supplemental procedures  
16 (reference SCBHC 5.55.080), and accepted by SCHED.

17 “Monitoring and maintenance specialist” means an individual who personally holds an  
18 SCHED monitoring and maintenance certificate of competency.

19 “Pumper” means an individual that personally holds a pumper certificate of competency  
20 and performs the actual work of removal of septic tank and/or sewage holding tank  
21 contents, inspection and/or limited repair measures.

22 “Pumper certificate of competency” means a document issued by SCHED indicating an  
23 individual’s satisfactory completion of the application and testing procedures relative to  
24 septic tank and/or sewage holding tank pumping, inspection, and limited repair  
25 measures, as defined by this administrative procedure.

26 *Pumper’s Report.* SCHED will develop and distribute an electronic minimum standard  
27 report form to be completed by the certified pumper upon servicing or inspection of an  
28 OSS. This report will be given to the property owner upon completion of the work and  
29 an electronic copy forwarded to SCHED no later than 30 days from the date of service in  
30 accordance with the supplemental procedures (reference SCBHC 5.50.060) and  
31 accepted by SCHED.

32 *Septic Tank Pumper’s Manual.* SCHED will develop and distribute a manual of minimum  
33 standards, procedures, and information for pumpers in accordance with the  
34 supplemental procedures (reference SCBHC 5.50.030).

35 “Violation” means performance of services not consistent with these regulations and  
36 SCHED’s minimum standards, procedures, and information for septic tank pumpers as  
37 set forth in the septic tank pumper’s manual, as well as the underlying chapter 246-  
38 272A WAC. Also, on-site system construction or repair work that is performed beyond  
39 the scope of limited repair measures as defined by these regulations; or failure to file a



1 limited repair report or monitoring and maintenance report no later than 30 days from  
2 the date the work was completed as required by these regulations.

3 “Violation notice” means written determination that the named pumper and/or certified  
4 company has committed a violation of the rules or regulations.

5 **5.50.030 Certificate required.**

6 A. No person shall engage directly or indirectly in the activity of pumping, inspecting, or  
7 servicing any part of an OSS without first having obtained a pumper certificate of  
8 competency from SCHED.

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

13 C. When complying with the requirements of this chapter, the certified individual  
14 represents the certified company with which he or she is employed. The certified  
15 company, as well as the certified individual, may be subject to disciplinary action for  
16 violating the requirements of this chapter.

17 D. A certified pumper may only perform monitoring, maintenance, and limited repair  
18 measures on conventional gravity OSS where no pretreatment, disinfection, or timed  
19 dosing is employed.

20 E. A septic tank pumper certificate shall be nontransferable.

21 **5.50.040 Reporting requirements.**

22 A. *Operating OSS.* The owner of each operating OSS is responsible for ensuring that  
23 the system is monitored and maintained, with reports submitted to SCHED, in  
24 accordance with the requirements of chapter 246-272A WAC, the applicable  
25 Washington State Department of Health Recommended Standards and Guidance  
26 for Performance, Application, Design, and Operation and Maintenance document,  
27 and the SCHED Supplemental Procedures Regarding: On-Site Sewage System  
28 Pumper Certification and Reporting Requirements.

29 B. Certified individuals shall report the failure of an OSS to the health officer  
30 immediately.

1 **5.50.050 Duties and obligations.**

2 By virtue of performing OSS pumping, inspection and/or servicing, a pumper incurs the  
3 obligation to comply with the minimum requirements of these rules and regulations and  
4 the underlying chapter 246-272A WAC for on-site sewage disposal which includes  
5 proper OSS pumping, inspection, and/or servicing in conformance with SCHD  
6 standards. These standards include any applicable SCHD policies, chapter 246-272A  
7 WAC and Washington State Department of Health Recommended Standards and  
8 Guidance. All maintenance work and associated records are subject to SCHD  
9 inspection and review to determine compliance with these requirements.

10 **5.50.060 Septic tank pumper certification.**

11 A pumper certification of competency does not allow an individual pumper to perform  
12 construction or repair work outside the scope of limited repair measures as defined by  
13 these regulations.

14 A. *Qualification.* Under these regulations, an individual shall be subjected to testing, as  
15 is further defined herein, as well as be obligated to obtain a state of Washington  
16 contractor license.

17 B. *Term.* A pumper certificate of competency shall run from the date of issue  
18 concurrent with the calendar year and will expire on December 31 of the year unless  
19 otherwise suspended or revoked.

20 C. *Application and Testing.* Individuals applying for certification must meet minimum  
21 examination requirements in accordance with the supplemental procedures.

22 D. *Issuance.* A certificate will be issued by the health officer to qualified individuals who  
23 have passed the necessary written examination, oral review, and otherwise  
24 complied with the other licensing and bonding requirements contained herein so as  
25 to demonstrate that said candidate appears to be qualified to pump septic tanks and  
26 perform system service consistent with the category of the certificate being sought.  
27 This certification does not constitute a guaranty, a warranty, or any representation by  
28 SCHD relative to the specific work or performance of the certificate holder.

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

33 1. A new certificate shall be issued upon:

34 a. Determination of competency through testing as described above.

- 1 b. Proof of possession of a current, valid general or specialty contractor's  
2 license issued by the state of Washington.
- 3 c. Payment of the annual certification fee as set forth in chapter 1.40 SCBHC.
- 4 2. A renewal pumper certificate of competency will be issued to a holder of an  
5 expired pumper certificate upon receipt of payment not later than March 1 of the  
6 next certificate year. A late fee, as prescribed in the current fee schedule, shall  
7 be imposed on applications for renewal received later than that date. After March  
8 31, the certificate will be nonrenewable and the pumper must apply for new  
9 certification as outlined in subsections (C) and (D) of this section. Work  
10 performed by any pumper seeking renewal of the pumper certificate will be  
11 considered unapproved and/or in violation of these regulations until the renewal  
12 application is completed and the annual fee is paid.
- 13 E. *Suspension and Revocation -General Information.* The health officer may suspend  
14 or revoke any pumper certificate of competency upon making the determination that  
15 the holder has performed with negligence, incompetence, misrepresentation, or  
16 violation of the rules, regulations, guidelines, policies, or practices adopted by SCHD  
17 which pertain to water supply, wastewater disposal, and/or septage hauling and  
18 disposal, either existing at the time of certification or as thereafter enacted.
- 19 F. *Suspension.* A certificate may be suspended by the health officer for any of the  
20 following reasons:
- 21 1. When the health officer finds that the pumper has committed a significant  
22 violation of the regulations, principles, or practices of septic tank pumping or  
23 system servicing, a notice of violation shall be issued. The pumper shall be  
24 notified by certified and regular mail of the issuance of the violation notice. Where  
25 such violation notice constitutes the third notice of violation within any 12-month  
26 period, the pumper shall also be notified of the immediate suspension of the  
27 pumper certificate.
- 28 2. Upon finding that the conditions of pumper certification are no longer in effect,  
29 specifically the maintenance of the Washington State contractor license, or by  
30 the abandonment of the occupation either by relocation out of state, or by  
31 inactivity for more than one year, the certification shall be suspended. The  
32 pumper shall be notified by certified and regular mail of the immediate  
33 suspension of the pumper certificate of competency.
- 34 3. For committing a violation that would allow the existence of a real or potentially  
35 serious threat to the public health or to the quality of surface and groundwaters,  
36 or for making any serious, material misrepresentation of major facts as part of the  
37 pumping, inspecting, or servicing of an OSS.
- 38 G. *Reinstatement of Suspension.*

- 1 1. The pumper shall make written application for reinstatement to the health officer,  
2 specifying what practices, performance, and conditions that were named as  
3 grounds for suspension have been remedied, and a description of changes in  
4 performance that will occur which will directly avoid the repetition of past  
5 violations.
- 6 2. The health officer, upon determining that noted deficiencies have been  
7 satisfactorily addressed, shall schedule the pumper for participation in the next  
8 available test. Recertification is subject to the pumper's successful completion of  
9 the application and testing procedure and payment of testing and licensing fees  
10 as per subsections (C) and (D) of this section.
- 11 3. Upon proof of reinstatement of the contractor's license, where that is the only  
12 fault, the certificate of competency can be immediately reinstated by the health  
13 officer.

14 H. *Appeal of Suspension.*

- 15 1. Appeals of a suspension of a certificate of competency shall be conducted in  
16 accordance with chapter 1.20 SCBHC.
- 17 2. Suspension of the certificate will be stayed pending outcome of the final hearing  
18 unless, in the opinion of the health officer, there exists an imminent health hazard  
19 that would result from the continued activity of the pumper.

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

- 21 1. A violation of a severity and magnitude that, in the opinion of the health officer,  
22 warrants immediate revocation. Including but not limited to the following actions:
  - 23 a. The creation of an extremely serious health hazard.
  - 24 b. The concealment of major facts or pertinent information regarding a pumper's  
25 activity.
  - 26 c. Allowing another to submit work using the name on the pumper certificate.
  - 27 d. By using the name of another certificate holder.
  - 28 e. Fraudulent representation.
  - 29 f. Asserting undue influence on or interference with SCHED staff.
- 30 2. When notification of the pumper through the violation notice process has resulted  
31 in the issuance of a notice of violation beyond the second suspension of  
32 certification, the certificate shall be subject to complete revocation by the health  
33 officer.

- 1 3. Once revoked, a certificate of competency will not be granted to an individual at  
2 any time within the subsequent three-year period from the date of notification.
- 3 4. The health officer will not revoke a certificate until an opportunity has been  
4 provided for an administrative review before the health officer or the health  
5 officer's designee. Certificates shall be revoked through issuance of a health  
6 officer's order, to be mailed to the certificate holder by regular and certified mail.  
7 Appeals of a revocation of a certificate of competency shall be conducted in  
8 accordance with chapter 1.20 SCBHC.
- 9 J. *Pumping, Inspecting, or Servicing without Certification.* An individual found to be  
10 engaging in the business of pumping, inspecting or servicing OSS without requisite  
11 certification shall be notified by the health officer, by certified mail, of these  
12 requirements. If eligible, the individual is to submit for examination at the next  
13 regularly scheduled time and pay double the test and certification fee. Refusal to  
14 comply with these requirements will then make the individual ineligible for  
15 certification for three years.
- 16 K. *Fees.* A pumper must submit the fees in chapter 1.40 prior to issuance of a pumper  
17 certificate of competency. Application for reinstatement following suspension or  
18 revocation requires submittal of the appropriate annual certificate and examination  
19 fees under chapter 1.40 by the pumper.

20 **Chapter 5.55**  
21 **ON-SITE SEWAGE SYSTEM PUMPER CERTIFICATION AND REPORTING**  
22 **REQUIREMENTS**

- 23 Sections:
- 24 5.55.010 Purpose.  
25 5.55.020 Background.  
26 5.55.030 Pumper certification.  
27 5.55.040 Pumper company certification.  
28 5.55.050 Monitoring and maintenance inspection.  
29 5.55.060 Reporting of monitoring and maintenance activities.  
30 5.55.070 Limited repair measures.  
31 5.55.080 Reporting of limited repairs.  
32 5.55.090 Pumper's manual.

33 **5.55.010 Purpose.**

34 The Snohomish County Board of Health has adopted code requirements regarding on-  
35 site sewage system (OSS) septic tank pumping, inspection, and limited repair  
36 requirements. These procedures contain the specific requirements regarding

1 certification of individuals and reporting of activities associated with OSS septic tank  
2 pumping, inspection, and limited repair.

3 **5.55.020 Background.**

4 The following procedures are established pursuant to chapter 5.50 SCBHC, prescribing  
5 minimum requirements for certification as an OSS septic tank pumper and prescribing  
6 minimum limited repair and reporting requirements related to OSS septic tank pumping  
7 and inspection activities. Nothing contained in this policy shall be construed to prevent  
8 the health officer from requiring compliance with more stringent requirements than those  
9 contained herein where more stringent requirements are essential to maintain a safe  
10 and sanitary condition.

11 **5.55.030 Pumper certification.**

12 Each individual applying for certification and/or recertification must satisfy the following:

13 A. *Application and Testing.* Certification of pumper's competency shall be determined in  
14 the following manner:

15 1. The applicant must file notice of interest with the health officer.

16 2. Testing will be conducted by the health officer at a mutually agreed upon date  
17 and time. At the time of testing, an applicant for pumper certification of  
18 competency must submit an application and payment of the examination fee as  
19 set forth in chapter 1.40 SCBHC.

20 3. Testing will consist of two phases:

21 a. A written exam to determine the applicant's knowledge of public health  
22 problems involved in on-site treatment and disposal of sewage; of water and  
23 wastewater rules, regulations, and policies; of these rules and regulations;  
24 and, of standards and procedures for septic tank maintenance and limited  
25 repair measures as contained in the septic tank pumper's manual. If the  
26 applicant scores below 70 percent on the written exam, the applicant fails that  
27 exam and must wait until the next scheduled examination to retake the exam  
28 and may not continue with any other part of this examination.

29 b. A satisfactory oral review with the health officer of the test results completes  
30 the exam.

1 **5.55.040 Pumper company certification.**

2 Each company applying for certification and/or recertification must satisfy the following:

- 3 A. *Fees.* Fees as adopted by the Snohomish County Board of Health must be  
4 submitted prior to issuance of a pumper company certificate of competency.  
5 Application for reinstatement following suspension or revocation requires submittal  
6 of appropriate annual fee.
- 7 B. *Provider List.* Annual submittal of a list of certified pumpers who will be performing  
8 the work on the company's behalf. A minimum of one certified individual shall be  
9 required for each company.
- 10 C. *Contractor's License.* Each pumping company must hold a Washington State  
11 general contractor's license or applicable specialty contractor's license. A copy of  
12 the applicable valid contractor's license must be submitted to SCHD prior to initial  
13 certification and annually thereafter at time of certification renewal. Listing on any  
14 pumper provider list maintained and distributed by SCHD will be alphabetically by  
15 company name.
- 16 D. *Equipment Inspection.* Satisfactory review of the applicant's pumping equipment  
17 consistent with the equipment requirements established in the septic tank pumper's  
18 manual.
- 19 E. Be current and in good standing on all reports and submission fees.

20 **5.55.050 Monitoring and maintenance inspection.**

21 A complete and thorough evaluation of OSS components and the ground surface over  
22 the gravity subsurface soil absorption system (SSAS). The evaluation of proprietary and  
23 nonproprietary pretreatment devices, SSAS other than gravity and other related  
24 components such as timers, control panels and disinfection equipment must be deferred  
25 to a certified monitoring and maintenance specialist. The contents of the inspection will  
26 include, but will not necessarily be limited to:

- 27 A. Condition of the septic tank, pump tank and grease trap as well as determining the  
28 need for pumping.
- 29 B. Condition of baffles, lids, risers, and filters.
- 30 C. Condition and operation of the pump, floats, alarm, valves, etc.
- 31 D. Visual observation of the gravity SSAS and monitoring ports if so equipped.

1 **5.55.060 Reporting of monitoring and maintenance activities.**

2 A. Individuals performing monitoring and/or maintenance activities as described in  
3 chapter 246-272A WAC, chapter 5.50 SCBHC and/or in the various recommended  
4 standards and guidance documents pertaining to OSS published by the Washington  
5 State Department of Health shall report the activities to SCHD within 30 days of  
6 completion in the manner herein described.

7 B. SCHD will maintain an electronic database for the purpose of submitting reports  
8 related to monitoring and maintenance of OSS as well as limited repair measures.

9 C. *Pumper's Report.* SCHD will develop and distribute an electronic minimum standard  
10 report form to be completed by the certified pumper upon servicing or inspection of  
11 an OSS. This report will be given to the property owner upon completion of work and  
12 an electronic copy forwarded to SCHD no later than 30 days from the date of  
13 service. A limited exception to this requirement is provided for discovery of OSS  
14 failure which must be reported to the health officer immediately. The contents of this  
15 report will include, but not necessarily be limited to:

16 1. Location of property.

17 2. Property tax number of property.

18 3. Owner of property.

19 4. Summary of work performed, including:

20 a. Type of service performed (pumping vs. inspection, etc.).

21 b. Gallons pumped.

22 c. Condition of baffles, etc.

23 d. Recording of ponding levels in monitoring ports.

24 5. Septage disposal location.

25 6. Name and certificate number of person performing the work.

26 7. Signature and date.

27 D. Reports must be accompanied by the appropriate fee as determined by the current  
28 fee schedule, as set forth in chapter 1.40 SCBHC.

29 **5.55.070 Limited repair measures.**

30 A pumper may perform limited repair measures. These are repairs to OSS components  
31 not directly associated with the treatment, distribution (with the exception of subsection



1 (D) of this section), or absorption of the sewage and also as defined in WAC 246-272A-  
2 0200(2). In addition to those items defined as limited repair measures, for permitted  
3 OSS in which a record drawing exists, a certified pumper may also perform the  
4 following:

- 5 A. Repair of sewage transport lines.
- 6 B. Repair or replacement of pump, floats and/or baffle screen.
- 7 C. Clearing of blocked sewage transport lines.
- 8 D. Provided there exists an approved as-built for the system, repair or replace the  
9 distribution box (D-Box) on gravity systems.

10 **5.55.080 Reporting of limited repairs.**

11 The certified pumper or monitoring and maintenance specialist who performs a limited  
12 repair measure will be required to electronically submit a limited repair report outlining  
13 the work performed, including:

- 14 A. Location of property.
- 15 B. Property tax number of property.
- 16 C. Owner of property.
- 17 D. Summary of work performed, including:
  - 18 1. Pump make and model.
  - 19 2. Dose setting, etc.
- 20 E. Name and certificate number of person performing the work.
- 21 F. Signature and date.

22 **5.55.090 Pumper's manual.**

23 SCHED will develop and distribute a manual of minimum standards, procedures, and  
24 information for pumpers. The contents of this manual will include, but not necessarily be  
25 limited to:

- 26 A. Safety;
- 27 B. Equipment;

- 1 C. Inspection and service procedures;
- 2 D. Basics of troubleshooting;
- 3 E. Possible causes of problems;
- 4 F. Types, functions, and replacements of baffles;
- 5 G. Types, functions, and replacements of pumps and switches;
- 6 H. Basics of systems types and functions;
- 7 I. Principles of user habits related to system function (i.e., water conservation, area
- 8 landscaping, use of garbage grinders, use of additives, etc.);
- 9 J. Principles and requirements for approved disposal sites (dumping sites); and
- 10 K. Other applicable rules and regulations (i.e., septage hauling requirements,
- 11 Washington State patrol requirements, etc.).

12 **Chapter 5.60**  
 13 **ON-SITE SEWAGE DISPOSAL SYSTEM APPLICATION PERMIT AND**  
 14 **INSTALLATION PROCEDURES**

- 15 Sections:
- 16 5.60.010 Purpose.
  - 17 5.60.020 Permit.
  - 18 5.60.030 Installation.

19 **5.60.010 Purpose.**

20 The process herein described relates to the permit process for application proposals for  
 21 construction of new on-site sewage disposal systems. This process does not apply to  
 22 an application to repair, replace, or alter an existing on-site sewage disposal system.

- 23 A. Application and review fees are received from a certified designer or engineer. A  
 24 review is conducted in accordance with sewage disposal/water supply requirements  
 25 and department procedures.
- 26 B. Issuance of the decision to approve or disapprove an application results in either an  
 27 approved application or a denial. An approved application received after October 31,  
 28 2008, is valid for two years and can be renewed for an additional two-year period,  
 29 with written concurrence from the system designer, review, and approval from the  
 30 Snohomish County Health Department (SCHD) and payment of a renewal fee.

1 **5.60.020 Permit.**

- 2 A. Upon receipt of a request for building permit clearance for the subject use from the  
3 city or county building department, a permit to install the approved on-site sewage  
4 disposal system will be approved for issuance providing the building department site  
5 plan and the SCHED site plan are compatible.
- 6 B. The on-site sewage disposal system is valid only when issued concurrently with the  
7 building/development permit. The permit will then remain valid for the term of the  
8 building/development permit. Expiration or termination of the building/development  
9 permit will cause the on-site sewage system permit to expire. Renewal of an expired  
10 on-site sewage disposal system will require submittal of a new application and  
11 payment of fees, as set forth in chapter 1.40 SCBHC.
- 12 C. In no case will an on-site sewage disposal system permit be issued prior to issuance  
13 of the building permit for the proposed structure.

14 **5.60.030 Installation.**

- 15 A. SCHED shall require certified installers to construct the on-site sewage disposal  
16 system, except as noted under SCBHC 5.40.070. In all cases, construction of the  
17 on-site sewage disposal system shall include system back fill and final grading.
- 18 B. The health officer may allow the owner of a single-family residence to install the on-  
19 site sewage system for his/her single-family residence when:
- 20 1. The on-site sewage system is a conventional gravity or LPD system;
- 21 2. A certified installer performs all installation work not done by the resident owner.
- 22 C. The installer shall:
- 23 1. Follow the approved design. Design revisions must have the concurrence of the  
24 designer and SCHED before commencing work.
- 25 2. Have the approved design and permit in possession during installation.
- 26 3. Be on the site at all times during the construction of the on-site system.
- 27 4. Install the on-site system to be watertight, except for the disposal component.
- 28 5. Cover the installation only after the local health officer has given approval to  
29 cover.
- 30 6. Back fill and grade the site to prevent surface water from accumulating over any  
31 component of the on-site system.

1 **Chapter 5.65**  
2 **SYSTEM PERMIT APPLICATION DESIGN AND RECORD DRAWINGS (AS-BUILT)**  
3 **STANDARDS**

4 Sections:

- 5 5.65.010 Purpose.  
6 5.65.020 Site identification and preparation.  
7 5.65.030 Application and design procedures.  
8 5.65.040 Record drawings (as-built) procedure.  
9 5.65.050 Deficiencies.

10 **5.65.010 Purpose.**

11 A completed application shall consist of adequate written and physical site information  
12 to support the issuance of a permit for on-site sewage disposal. Such information must  
13 be presented in the prescribed written format and the proposed site prepared in  
14 sufficient detail to allow visual examination of its characteristics. A uniform presentation  
15 format is intended to provide consistent evidence of compliance with chapter 246-272A  
16 WAC, On-Site Sewage Disposal Systems.

17 **5.65.020 Site identification and preparation.**

- 18 A. Property line shall be identified by corner flagging.
- 19 B. Access to on-site sewage disposal system site shall be flagged and identified with  
20 applicant's name or property tax account number.
- 21 C. The path to the on-site sewage disposal system site shall be flagged and cleared.
- 22 D. Drainfield and reserve area must be sufficiently cleared so as to make ground  
23 surface contours easily observable. Further staking of proposed laterals may be  
24 necessary to demonstrate the feasibility of installation.
- 25 E. All soil test holes shall be flagged and numbered to correspond with the lot number  
26 and soil log number as shown on the design. If soil test holes are part of a proposed  
27 short plat, test hole identification shall include the proposed lot number.
- 28 1. Soil log test holes shall be placed so as to demonstrate representative soil types  
29 in the on-site sewage disposal system area and reserve area.
- 30 2. Provide for each single-family dwelling a minimum of three soil logs in  
31 representative parts of the on-site sewage disposal system area and two soil logs  
32 in the reserve area. Drainfield areas other than for a single-family residence must  
33 have at least two soil logs for every 500 square feet of disposal area and in no  
34 case shall there be less than four soil test holes.

- 1        3. Separate these holes by at least 50 feet.
- 2        4. Soil test holes shall be constructed, identified, and maintained to prevent injury or
- 3            damage to the general public.
- 4        5. Soil log holes must be dug to the appropriate depth to justify meeting current
- 5            minimum vertical separation requirements.
- 6        6. The holes shall be of sufficient diameter for the reviewer to obtain representative
- 7            samples from the soil profile and determine soil color, texture, structure of each
- 8            horizon and the water table.
- 9        7. Soil test holes must be kept open for inspection until review by a representative
- 10           from SCHED.
- 11       8. After SCHED application review has been completed, the property owner/designer
- 12           is responsible for backfilling and covering soil test holes on the property.
- 13       9. Additional tests, such as percolation tests, sieve analysis, hydrometer tests, and
- 14           bulk density determinations may be required if in the opinion of the health officer
- 15           they are necessary for proper soil evaluation of a specific site. Percolation tests
- 16           shall be conducted in accordance with the Falling Head Percolation Test
- 17           Procedure as outlined in the EPA Design Manual, 1980, Table 3-8.
- 18       10. All soil tests must be performed in a manner consistent with the requirements of
- 19           the Department of Health (DOH) Interim Soil Evaluation Guidelines (Nov. 1979).
- 20    F. If a mound system or any other type of bed is being proposed, the four corners of
- 21           the mound basal area or bed corners shall be staked or flagged and labeled as
- 22           "mound corner" or "bed corner." Additionally, the mound or bed reserve area shall be
- 23           flagged or staked and identified.

24    **5.65.030      Application and design procedures.**

- 25    A. Complete the application for an on-site sewage disposal system permit form
- 26           including, but not limited to:
  - 27           1. Directions to the subject property (include vicinity map if needed);
  - 28           2. Address or approximate address of property;
  - 29           3. Name of current owner and name of system designer;
  - 30           4. Type of building proposed. If other than single-family residence, include
  - 31           estimated daily wastewater flow;

- 1 5. Classifications used for logs of subsurface soil conditions shall be in USDA Soil  
2 Conservation Service terminology such as sandy loam, clay loam, medium sand,  
3 hardpan, rock, etc. Any evidence of a seasonal water table including color and  
4 mottling must be noted and described. These soil log notes must be attached to  
5 the application for review and verification.
- 6 6. *Source of Domestic Water.*
  - 7 a. If public water (any source other than an individual supply serving one single-  
8 family residence) is provided, identify by name and include a letter from the  
9 purveyor confirming water availability and commitment to serve.
  - 10 b. If an individual water supply (well) is proposed, the proposed well site must be  
11 shown on the design in relation to the proposed drainfield areas. In addition, a  
12 well site application (detailing the well site and its 100-foot pollution control  
13 zone) may be submitted for concurrent review.
- 14 7. Trench depth, width, and required square footage of drainfield laterals.
- 15 8. If an alternative system is proposed, include all information, construction details,  
16 calculations, etc., as required in the DOH Guideline as well as any specific SCHD  
17 requirement.
- 18 9. Signature of designer and date of field testing.
- 19 10. Any redesign submittals reflecting changes to the application cover sheet must  
20 be accompanied by a new, original carbon application form (not copies).
- 21 B. Complete and submit four copies of an on-site sewage disposal system design and  
22 plot plan and include:
  - 23 1. The plot plan is to be dimensioned and drawn to a scale which shows one inch to  
24 be equal to no more than 30 feet. Indicate compass direction by using a north  
25 arrow. If the entire parcel/lot cannot be included on a one inch equals 30 feet  
26 scale, an overall plot plan of the lot including location of residence, drainfield and  
27 easement (if proposed) shall be required in a smaller scale in addition to the one  
28 inch equals 30 feet (i.e., one inch equals 100 feet).
  - 29 2. If a short plat is proposed an overall plot plan indicating the layout of the lots (in  
30 relation to each other) shall be submitted in addition to the individual designs.
  - 31 3. Show elevations at soil test holes and topographical contours at two feet intervals  
32 in the drainfield and reserve area.
  - 33 4. Show wells, other sources of potable water, and other surface water bodies  
34 within 100 feet of property lines.
  - 35 5. Identify and show location of soil test holes.

- 1       6. The proposed on-site sewage disposal system and proposed site of the structure  
2       shall be located by giving dimensions to at least two intersecting property lines.  
3       Show driveway parking and any other proposed paving locations.
- 4       7. Any proposed well site shall be shown together with the minimum circular area of  
5       protection having a radius no less than 100 feet.
- 6       8. Construction plan specifications to include:
  - 7           a. Plumbing stub-out elevation in relation to a documented reference point.
  - 8           b. A minimum and maximum trench depth.
  - 9           c. An expected amount of cover soil required.
  - 10          d. The lateral lengths and method of distribution.
  - 11          e. Location of interceptor, curtain or footing drains, dosing system specifications,  
12             etc.
- 13      9. Show all required separations as required by WAC 246-272A-0210, Location.
- 14      10. All drainfield laterals shall be shown as dashed lines with tightlines shown as  
15         solid lines.
- 16      11. Reserve area boundaries shall be labeled and shown by outlining, or by shading  
17         of the area or showing the laterals using double dashed lines and identifying as  
18         reserve.
- 19      12. If an alternative system is proposed include all information, construction details,  
20         calculations, etc., as required in the applicable DOH guideline together with any  
21         specific SCHD requirements.
- 22      13. Design on sloping sites greater than 10 percent shall include a trench/slope  
23         cross-section detail demonstrating compliance with minimum vertical separation  
24         and trench depth requirements.

25      **5.65.040       Record drawings (as-built) procedure.**

26      Whenever a designer has approved an installation, a completely scaled and  
27      dimensional as-built plan of the approved sewage disposal system shall be prepared in  
28      triplicate by the designer of the system. Record drawing forms, provided by SCHD shall  
29      be completed and signed by the designer and, within 30 days, forwarded to SCHD. In  
30      addition to the requirements outlined in WAC 246-272A-0265, the following plan details  
31      are required:

- 32      A. Location of the essential components of the sewage disposal system including:

- 1 1. Septic tank;
- 2 2. All plumbing stub outlets;
- 3 3. Tightline between buildings and septic tank;
- 4 4. Tightline between septic tank and distribution box, inspection box, or drainfield
- 5 line;
- 6 5. Distribution box;
- 7 6. All drainfield lines. The length of each individual drainfield shall be shown
- 8 together with the total number of lineal feet of drainfield line;
- 9 7. The location of any construction feature, such as a stepdown, must be clearly
- 10 indicated;
- 11 8. Distances between drainfield lines and the edges of any cuts, banks, property
- 12 lines, lakes, streams, wells, driveways, water lines, fills, interceptor ditches;
- 13 9. Location, size, shape and placement of all structures on the building site showing
- 14 their relative location to the sewage disposal system and to any easements,
- 15 water service supply lines, property lines, etc.;
- 16 10. Location, direction of flow, and discharge point of all ground or surface water
- 17 interceptor drains;
- 18 11. Orientation of drawing with north direction by arrow;
- 19 12. Pump model number and manufacturer if applicable;
- 20 13. Pump chamber size and dose volume if applicable;
- 21 B. Alternative system as-builts shall include applicable items described in subsection
- 22 (A) of this section together with an owner's operational manual as required in the
- 23 appropriate DOH guideline and as specified in the conditional approval letter.
- 24 C. Location, size, and dimensions of the 100 percent reserve area shall be shown in
- 25 relation to the sewage disposal system components, listed in subsection (A) of this
- 26 section.
- 27 D. If the reserve area is designated as a mound system, the configuration shall be
- 28 shown and clearly identified as mound system/reserve.
- 29 E. Clearly indicate scale. Recommended scale is one inch equals 20 feet. Scales
- 30 utilizing ratios in excess of one inch equals 30 feet are not acceptable.
- 31 F. If the entire parcel/lot cannot be included on a one inch equals 30 feet scale, an
- 32 overall plot plan of the lot including house and drainfield location as well as the



1 easement (if necessary) shall be required in addition to the detail one inch equals 30  
2 feet design.

3 **5.65.050 Deficiencies.**

4 Failure to meet all of the above requirements may result in further submittal/inspection  
5 and/or payment of additional fees.

6 **Chapter 5.70**  
7 **ON-SITE SEWAGE SYSTEM MONITORING AND MAINTENANCE SPECIALIST**  
8 **CERTIFICATION PROGRAM**

9 Sections:

- 10 5.70.010 Purpose and authority.
- 11 5.70.020 Applicability.
- 12 5.70.030 Definitions.
- 13 5.70.040 Certificate required.
- 14 5.70.050 Reporting requirements.
- 15 5.70.060 Duties and obligations.
- 16 5.70.070 Continuing education.
- 17 5.70.080 Monitoring and maintenance specialist certification.
- 18 5.70.090 Monitoring and maintenance company certification.
- 19 5.70.100 Reporting of monitoring and maintenance activities.
- 20 5.70.110 Limited repair measures.
- 21 5.70.120 Reporting of limited repairs.

22 **5.70.010 Purpose and authority.**

23 A. *Purpose.* Pursuant to WAC 246-272A-0340 the following administrative procedure is  
24 adopted. The purpose of the monitoring and maintenance specialist program, and  
25 the underlying rules, regulations and policies thereto, is to establish minimum  
26 competency standards, including certification requirements, for individuals and  
27 companies engaged in the practice of monitoring and maintaining on-site sewage  
28 disposal systems (OSS) within the jurisdiction of the Snohomish County Health  
29 Department (SCHD) as well as establishing minimum requirements for the reporting  
30 of activities and observations associated with OSS monitoring and maintenance.

31 B. *Authority.* The health officer and local board of health shall administer these  
32 regulations under authority and requirements of chapters 43.20 and 70.05 RCW, as  
33 well as chapter 246-272A WAC which specifically proclaims in WAC 246-272A-0340  
34 an allowance for the establishment of the monitoring and maintenance program.

1 **5.70.020 Applicability.**

2 The following rules contained herein shall apply to all persons and companies engaged  
3 in the commercial activity of monitoring and/or maintaining all or any part of an OSS.

4 **5.70.030 Definitions.**

5 In addition to the definitions found in WAC 246-272A-0010 and in any supplemental on-  
6 site sewage disposal regulations of SCHD and in any of the recommended standards  
7 and guidance documents published by the Washington State Department of Health  
8 pertaining to OSS, the following shall apply:

9 “Certification by reciprocity” means current certification or licensure as a monitoring and  
10 maintenance specialist in a local health jurisdiction with an examination process  
11 deemed acceptable by the SCHD director of environmental health.

12 “Certified company” means a business entity which employs individuals possessing a  
13 monitoring and maintenance specialist certification.

14 “Installer” means an individual who personally holds an SCHD installer certificate of  
15 competency.

16 “Limited repair measure” means repairs to OSS components not directly associated with  
17 the treatment, distribution, or absorption of the sewage and as defined in WAC 246-  
18 272A-0200(2). “Limited repair measures” may also include other incidental activities  
19 enumerated within the supplemental procedures or for which prior approval has been  
20 granted by SCHD.

21 “Limited repair report (for limited repair measures)” means a documentation of work  
22 performed, submitted in the format and by the means designated by the health officer  
23 within 30 days from the date of service in accordance with SCBHC 5.70.120.

24 “Monitoring and maintenance specialist” means an individual who personally holds a  
25 monitoring and maintenance certificate of competency and performs the actual work of  
26 monitoring, maintaining, and limited repairs of on-site sewage treatment and disposal  
27 systems.

28 “Monitoring and maintenance specialist certificate of competency” means a document  
29 issued by SCHD indicating an individual’s satisfactory completion of the application and  
30 testing procedures relative to OSS operation, monitoring and maintenance.

31 Professional Development Hour (PDH). One PDH is equivalent to one hour participation  
32 in trainings or seminars where the major topic is related to OSS regulations, practices,  
33 or products.

1 "Pumper" means an individual who personally holds an SCHD pumper certificate of  
2 competency.

3 "Violation" means the omission of any significant element of an on-site sewage disposal  
4 system monitoring inspection or maintenance activity which, if left uncorrected, may  
5 result in the malfunction of the wastewater treatment or disposal system, or would allow  
6 the use of the system to circumvent required treatment and disposal of wastewater.  
7 Also, the failure to truthfully report all pertinent observations and activities associated  
8 with the monitoring and maintenance of an OSS, including the failure to electronically  
9 submit reports to SCHD within 30 days of the conclusion of a monitoring and/or  
10 maintenance activity including limited repair measures.

11 "Violation notice" means a written determination that the named monitoring and  
12 maintenance specialist and/or certified company has committed a violation of these  
13 rules or regulations and associated supplemental procedures.

14 "WOSSA" means the Washington On-Site Sewage Association.

15 **5.70.040 Certificate required.**

16 A. No person shall engage directly or indirectly in the activity of monitoring and/or  
17 maintaining all or any part of an OSS without first having obtained a monitoring and  
18 maintenance specialist certificate of competency from SCHD. A limited exception to  
19 this requirement is granted to SCHD certified pumpers, installers, and State  
20 Department of Licensing licensed designers for the purpose of performing  
21 monitoring and maintenance on conventional gravity OSS where no pretreatment or  
22 disinfection is employed.

23 B. A monitoring and maintenance specialist certificate of competency shall be  
24 nontransferable.

25 C. A monitoring and maintenance specialist may perform limited repair measures.

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

30 E. When complying with the requirements of this chapter, the certified individual  
31 represents the certified company with which he or she is employed. The certified  
32 company, as well as the certified individual, may be subject to disciplinary action for  
33 violating the requirements of this chapter.

1 **5.70.050 Reporting requirements.**

- 2 A. *Operating OSS.* The owner of each operating OSS is responsible for ensuring that  
3 the system is monitored and maintained, with reports submitted to SCHD, in  
4 accordance with the requirements of chapter 246-272A WAC, the applicable  
5 Washington State Department of Health Recommended Standards and Guidance  
6 for Performance, Application, Design, and Operation and Maintenance document,  
7 and the SCHD rules and regulations contained within this chapter.
- 8 B. Certified individuals shall report the failure of an OSS to the health officer  
9 immediately.

10 **5.70.060 Duties and obligations.**

11 By virtue of performing OSS maintenance, a monitoring and maintenance specialist  
12 incurs the obligation to comply with the minimum requirements for OSS which includes  
13 proper OSS monitoring and maintenance in conformance with SCHD standards. These  
14 standards include any applicable SCHD policies, chapter 246-272A WAC, and  
15 Washington State Department of Health recommended standards and guidance.  
16 Further, it is the monitoring and maintenance specialist's responsibility to be  
17 knowledgeable regarding any proprietary or public domain technologies they monitor or  
18 maintain. All maintenance work and associated records are subject to SCHD inspection  
19 and review to determine compliance with these requirements.

20 **5.70.070 Continuing education.**

21 Beginning January 1, 2014, each individual holding a monitoring and maintenance  
22 specialist certificate of competency shall obtain 10 PDHs per year, beginning with the  
23 first year in which they are certified for greater than 10 months. PDHs earned in excess  
24 of the 10 per year requirement may be carried over to the next calendar year. PDHs  
25 carried over expire December 31 of the year they are carried over to. It is the monitoring  
26 and maintenance specialist's responsibility to maintain adequate records concerning  
27 PDHs. SCHD reserves the right of auditing PDHs at time of certificate of competency  
28 renewal.

29 **5.70.080 Monitoring and maintenance specialist certification.**

- 30 A. *Qualification and Experience.* Under these regulations, an individual applying for  
31 monitoring and maintenance specialist certification and/or recertification shall be  
32 subjected to testing, as is further defined herein, as well as be obligated to satisfy  
33 contractor licensing requirements as referenced. Each individual applying for  
34 certification as a monitoring and maintenance specialist must demonstrate the

1 equivalent of two years' work experience related to OSS design and/or installation. A  
2 determination by Health Department staff that an individual does not satisfy the  
3 qualification and experience requirements of this section, may be appealed to the  
4 director of environmental health whose decision shall be final and not subject to  
5 administrative appeal under chapter 1.20 SCBHC, right of appeals.

6 B. *Term.* A monitoring and maintenance specialist certificate of competency shall run  
7 from the date of issue concurrent with the calendar year and will expire on  
8 December 31 of the year unless otherwise suspended or revoked.

9 C. *Examination.* Each individual applying for certification as a monitoring and  
10 maintenance specialist must receive, within the past 12 months, either:

- 11 1. A score of 70 percent or greater for each exam portion on the WOSSA  
12 administered O&M specialist examination. Scores may not be combined to  
13 achieve 70 percent; or
- 14 2. A passing score on an examination administered by a local health jurisdiction, as  
15 determined by that jurisdiction, to be deemed relevant to the knowledge  
16 expectations of SCHED.

17 D. *Issuance.* A certificate will be issued by the health officer to qualified individuals who  
18 have passed the necessary written examination, experience verification, and  
19 otherwise complied with the other licensing and bonding requirements contained  
20 herein so as to demonstrate that said candidate appears to be qualified to monitor  
21 and maintain sewage disposal systems consistent with SCHED standards. This  
22 certification does not constitute a guaranty, a warranty, or any representation by  
23 SCHED relative to the specific work or performance of the certificate holder.

24 1. A new certificate shall be issued upon:

- 25 a. Determination of competency through testing and experience verification as  
26 described above.
- 27 b. Proof of possession of a current, valid general or specialty contractor license  
28 issued by the state of Washington.
- 29 c. Application submittal and payment of the annual certification fee as set forth  
30 in chapter 1.40 SCBHC.

31 2. A renewal monitoring and maintenance specialist certificate of competency will  
32 be issued to a holder of an expired monitoring and maintenance specialist  
33 certificate upon receipt of payment not later than March 1 of the next certificate  
34 year. A late fee, as prescribed in the current fee schedule, shall be imposed on  
35 applications for renewal received later than that date. After March 31 the  
36 certificate will be nonrenewable and the maintainer must apply for new  
37 certification. OSS monitoring and maintenance may not be performed by any  
38 provider until the renewal application is completed and the annual fee is paid.

1 E. *Suspension and Revocation – General Information.* The health officer may suspend  
2 or revoke any monitoring and maintenance specialist certification of competency  
3 upon making the determination that the holder has performed with negligence,  
4 incompetence, misrepresentation, or violation of the rules, regulations, guidelines,  
5 policies, or practices adopted by SCHED which pertain to water supply and  
6 wastewater disposal, either existing at the time of certification or as thereafter  
7 enacted.

8 F. *Suspension.* A certificate may be suspended by the health officer for any of the  
9 following reasons:

10 1. *Violation.* When the SCHED health officer finds that the monitoring and  
11 maintenance specialist has committed a significant violation of the regulations,  
12 principles, or practices of OSS monitoring and maintenance, a notice of violation  
13 shall be issued. The monitoring and maintenance specialist shall be notified by  
14 certified and regular mail of the issuance of the violation notice. Where such  
15 violation notice constitutes the third notice of violation within any 12-month  
16 period, the monitoring and maintenance specialist shall also be notified of the  
17 immediate suspension of the monitoring and maintenance specialist certificate.

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

25 3. For committing a violation that would allow the existence of a real or potentially  
26 serious threat to the public health or to the quality of surface and groundwaters,  
27 or for making any serious, material misrepresentation or omission of major facts  
28 as part of the reporting of activities associated with the monitoring or  
29 maintenance of any OSS.

30 G. *Reinstatement of Suspension.*

31 1. The monitoring and maintenance specialist shall make written application for  
32 reinstatement to the health officer, specifying what practices, performance, and  
33 conditions that were named as grounds for suspension have been remedied, and  
34 a description of changes in performance that will occur which will directly avoid  
35 the repetition of past violations.

36 2. The health officer, upon determining that noted deficiencies have been  
37 satisfactorily addressed, shall schedule the monitoring and maintenance  
38 specialist for participation in the next available test. Recertification is subject to  
39 the monitoring and maintenance specialist's successful completion of the

1 application and testing procedure and payment of testing and licensing fees as  
2 per subsections (C) and (D) of this section.

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

6 H. *Appeal of Suspension.*

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

9 2. Suspension of the certificate will be stayed pending outcome of the final hearing  
10 unless, in the opinion of the health officer, there exists an imminent health hazard  
11 that would result from the continued activity of the maintainer.

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

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

15 a. The creation of an extremely serious health hazard.

16 b. The concealment of major facts or pertinent information regarding  
17 maintenance activities.

18 c. Allowing another to submit reports using the name on the monitoring and  
19 maintenance specialist certificate.

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

21 e. Asserting undue influence on or interference with SCHED staff.

22 2. When notification of the monitoring and maintenance specialist through the  
23 violation notice process has resulted in the issuance of a notice of violation  
24 beyond the second suspension of certification, the certificate shall be subject to  
25 revocation by the health officer.

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

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

- 1 J. *Monitoring or Maintaining without Certification.* An individual found to be engaging in  
2 the business of OSS monitoring or maintenance without requisite certification shall  
3 be notified by the health officer, by certified mail, of these requirements. If eligible,  
4 the individual is to submit for examination at the next regularly scheduled time.  
5 Refusal to comply with these requirements will then make the individual ineligible for  
6 certification for three years.
- 7 K. *Fees.* An applicant must submit payment of the fees, as adopted by the Board of  
8 Health in chapter 1.40 SCBHC, prior to issuance of a monitoring and maintenance  
9 specialist certificate of competency. Application for reinstatement following  
10 suspensions or revocation requires submittal of appropriate annual certificate fees  
11 by the applicant under chapter 1.40 SCBHC.
- 12 L. *Professional Development Hours (PDHs).* Signature confirmation concerning earned  
13 PDHs must be provided on the appropriate form(s) at time of certification renewal.  
14 SCHD may audit up to 20 percent of the applicants in any calendar year concerning  
15 their PDHs by being required to document their participation in the listed events as a  
16 condition of renewal. Any individual thus audited will not be audited in the next  
17 calendar year.
- 18 M. The monitoring and maintenance specialist must be current and in good standing on  
19 all reports and submission fees.

20 **5.70.090 Monitoring and maintenance company certification.**

21 Each company applying for certification and/or recertification must satisfy the following:

- 22 A. *Fees.* Fees, as adopted by the Board of Health in chapter 1.40 SCBHC, must be  
23 submitted prior to issuance of a monitoring and maintenance company certificate of  
24 competency. Application for reinstatement following suspension or revocation  
25 requires submittal of appropriate annual fee.
- 26 B. *Provider List.* Annual submittal of a list of certified providers who will be performing  
27 the work on the company's behalf. A minimum of one certified individual shall be  
28 required for each company.
- 29 C. *Contractor's License.* Each monitoring and maintenance company must hold a  
30 Washington State general contractor's license or applicable specialty contractor's  
31 license. A copy of the applicable valid contractor's license must be submitted to  
32 SCHD prior to initial certification and annually thereafter at time of certification  
33 renewal. Listing on any monitoring and maintenance provider list maintained and  
34 distributed by SCHD will be alphabetically by company name.
- 35 D. Be current and in good standing on all reports and submission fees.



1 **5.70.100 Reporting of monitoring and maintenance activities.**

2 A. Individuals performing monitoring and/or maintenance activities as described in  
3 chapter 246-272A WAC, Snohomish County Board of Health Code and/or in the  
4 various Recommended Standards and Guidance documents pertaining to OSS  
5 published by the Washington State Department of Health shall report the activities to  
6 SCHD within 30 days of completion in the manner herein described.

7 B. SCHD will maintain an electronic database for the purpose of submitting reports  
8 related to monitoring and maintenance of OSS as well as limited repair measures.

9 C. Reports must be submitted electronically and in the format prescribed by SCHD. At  
10 a minimum, reports must include the following:

11 1. Address of property.

12 2. Parcel number of property.

13 3. Owner of property.

14 4. Description of work performed, including:

15 a. A complete and thorough evaluation of each system component.

16 b. Any adjustments or calibrations performed on the system and related  
17 components.

18 c. Limited repair measures as described in SCBHC 5.70.110.

19 d. Replacement or repair of proprietary system components.

20 5. Name and certificate number of person performing the work.

21 6. Signature and date.

22 D. Reports must be accompanied by the appropriate fee as set forth in chapter 1.40  
23 SCBHC.

24 **5.70.110 Limited repair measures.**

25 A monitoring and maintenance specialist may perform limited repair measures. These  
26 are repairs to OSS components not directly associated with the treatment, distribution  
27 (with the exception of subsection (E) of this section) or absorption (with the exception of  
28 subsection (D) of this section) of the sewage and also as defined in WAC 246-272A-  
29 0200(2). In addition to those items defined as limited repair measures, for permitted  
30 OSS in which a record drawing exists, a certified monitoring and maintenance specialist  
31 may also perform the following:

- 1 A. Repair or replacement of sewage effluent transport lines.
- 2 B. Replacement or repair of disinfection equipment such as ultraviolet light bulbs and  
3 related components.
- 4 C. Recalibration and adjustment of timer mechanisms.
- 5 D. Provided there exists an approved as-built for the system, repair up to six lineal feet  
6 of damaged OSS dispersal line in the original location where the damage occurred.
- 7 E. Provided there exists an approved as-built for the system, repair or replace the  
8 distribution box (D-Box) on gravity systems.

9 **5.70.120 Reporting of limited repairs.**

10 Documentation of work performed by the monitoring and maintenance specialist,  
11 submitted to SCHED in electronic format within 30 days from the date of service. The  
12 certified monitoring and maintenance specialist who performs a limited repair measure  
13 will be required to submit a limited repair report accurately describing the work  
14 performed, including:

- 15 A. Address of property.
- 16 B. Parcel number of property.
- 17 C. Owner of property.
- 18 D. Description of work performed, including:
  - 19 1. Any adjustments or calibrations performed on the system and related  
20 components such as changes to timer and dose settings.
  - 21 2. A list of system components that are replaced or added including the name of the  
22 manufacturer and model number.
  - 23 3. A list of components that were repaired along with an accurate description of the  
24 work performed.
- 25 E. Name and certificate number of person performing the work.
- 26 F. Signature and date.
- 27

28 Section 7. A new Title 6 is added to the Snohomish County Board of Health Code  
29 to read:

30  
31 **Title 6**

1 **DRINKING WATER**

2 Chapters:

- 3 6.05 Drinking Water Rules and Regulations.
- 4 6.10 Water Quality Standards.
- 5 6.15 Drinking Water Rules and Regulations – Arsenic Testing.
- 6 6.20 Rainwater Catchment Systems.

7  
8 **Chapter 6.05**

9 **DRINKING WATER RULES AND REGULATIONS**

10 Sections:

- 11 6.05.010 Authority and purpose.
- 12 6.05.020 Definitions.
- 13 6.05.030 Individual water supplies – Assessments, policies, and procedures.

14 **6.05.010 Authority and purpose.**

- 15 A. *Authority.* These rules and regulations are established by the Snohomish County
- 16 Board of Health pursuant to its authority under RCW 70.05.060.
- 17 B. *Purpose.* These rules and regulations are adopted for the protection of public health
- 18 through the establishment of minimum drinking water standards.

19 Furthermore, these regulations are intended to allow and support the Snohomish  
20 County health department (SCHD) in carrying out the responsibilities and duties  
21 contained in chapters 6.05 through 6.20 SCBHC and SCBHC Title 5.

22 It is the specific intent of these rules and regulations to place the obligation of  
23 compliance upon the owner of an individual water system. Nothing contained in these  
24 rules and regulations shall be construed to prevent the health officer from requiring  
25 compliance with higher requirements than those contained herein where such higher  
26 requirements are essential to maintain a safe and sanitary condition.  
27

28 **6.05.020 Definitions.**

29 In addition to the definitions found in chapter 6.10 SCBHC, Section 2 of the Guidelines  
30 for Determining Water Availability for New Buildings, Ecology Publication 93-27, April  
31 1993, and chapter 173-160 WAC, the following shall apply:

32 “Adequate” means meeting the source siting, construction, quantity requirements, and  
33 standards of these procedures.

1 “Individual water supply (IWS)” consists of one source serving one single-family  
2 residence or one source serving two single-family residence structures or units and is  
3 exempt from the State Board of Health Drinking Water Regulations, chapter 246-291  
4 WAC.

5 “Potable” means meeting the water quality parameters as established in these  
6 procedures.

7 **6.05.030 Individual water supplies – assessments, policies, and procedures.**

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

16 The following procedures are established pursuant to chapters 6.05 through 6.20  
17 SCBHC and SCBHC Title 5, prescribing minimum requirements, standards, and  
18 procedures for assessment and use of IWSs, prescribing data to be disclosed to the  
19 environmental health division concerning the use of IWSs and setting forth the  
20 information to be furnished to the environmental health division prior to response by  
21 SCHED to any request for assessment of a particular IWS.

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

- 25 1. SCHED approval of “Application for an Individual Water Supply Site Inspection.”  
26 Site criteria as established in chapter 173-160 WAC and chapters 6.05 through  
27 6.20 SCBHC and SCBHC Title 5.
- 28 2. SCHED approval of “Request for Review: Individual Water Supply” including the  
29 following minimum submittals:
  - 30 a. Signed declaration of applicant;
  - 31 b. Copy of water well report (well drillers log) verifying well construction per  
32 chapter 173-160 WAC;
  - 33 c. Documentation of well yield testing per WAC 173-160-345(1) sufficient in  
34 detail to demonstrate a minimum 400 gallons per day per residential  
35 connection;

- 1 d. Satisfactory results of a bacteriological analysis; and
- 2 e. Satisfactory results of inorganic chemical analyses for the following: arsenic,  
3 barium, cadmium, chromium, lead, mercury, selenium, silver, sodium,  
4 fluoride, and nitrate.
- 5 3. For IWSs consisting of more than one single-family residential connection the  
6 following must be provided in addition to subsections (A)(1) and (A)(2) of this  
7 section: recorded declaration of water use agreement(s), easement(s), and  
8 restriction(s) including the following minimum information:
  - 9 a. Identification of the supply as an individual water supply;
  - 10 b. Description of system management and ownership;
  - 11 c. Identification of the property or properties served; and
  - 12 d. Recognition of system restrictions as determined by SCHD.
- 13 4. For IWSs consisting of more than one single-family residential connection where  
14 the structures served do not exist on the same property the following must be  
15 provided in addition to subsections (A)(1) through (A)(3) of this section: SCHD  
16 approval of "Application for an Individual Water Supply Site Inspection"  
17 demonstrating potential well sites on each of the two properties. Site criteria as  
18 established in chapter 173-160 WAC and chapters 6.05 through 6.20 SCBHC  
19 and SCBHC Title 5.
- 20 B. *Operational Checks*. Assessments of water supply source quality in response to  
21 "Request for Report on an Individual Water System" will include SCHD testing of  
22 water quality parameters as established in subsections (A)(2)(d) and (A)(2)(e) of this  
23 section.
- 24 C. *Determining Maximum Contaminant Level (MCL) Violations for an IWS*.
  - 25 1. Coliform bacteria are not to exceed one per 100 milliliters for any sample tested  
26 using the membrane filter method; nor are there to be any present using the  
27 presence/absence method of testing.
  - 28 2. The presence of any tested primary contaminant measured above the MCL, as  
29 defined in WAC 246-290-310, shall make that water supply initially unacceptable  
30 and subject to further sampling and testing to determine whether an MCL  
31 violation has occurred.
    - 32 a. Three samples must be taken at the well. Prior to the taking of each sample,  
33 either a quantity of water equal to three well volumes for drilled wells or two  
34 well volumes for dug wells, pumped at the well's measured production rate,  
35 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.

- 1           b. Locations at which treated water will be supplied.
- 2           c. Other water quality parameters considered in the design of the treatment
- 3           process.
- 4           d. Minimum operation and maintenance requirements for the treatment process.
- 5           e. Method of treatment process residuals management.
- 6           f. Minimum ongoing testing requirements.
- 7        5. The applicant/property owner, prior to issuance of county building permit, is
- 8        required to record with the Snohomish County Auditor a statement containing the
- 9        common and legal address of the property, the property legal description and tax
- 10       parcel number, as well as the present owner's name, and containing, as a
- 11       minimum, the following additional information:
- 12       a. The parameter that is found in the violation of the MCL and being treated for.
- 13       b. The concentrations of the parameter that exceeds the established MCL, both
- 14       before and after treatment.
- 15       c. The type of treatment process installed.
- 16       d. The expected yield of treated water, expressed in gallons per day.
- 17       e. Locations at which treated water is provided.
- 18       f. That the treatment device must be properly maintained, along with periodic
- 19       sampling, to ensure continued safety of the water supply (Note: Specific
- 20       sampling frequency is to be set in accord with the designing engineer's
- 21       recommendations, with a minimum of no less than once annually).
- 22       g. A stated understanding and acknowledgment, by the property owner, that
- 23       failure to sample and maintain the treatment system may result in adverse
- 24       health effects to the users of the water supply and that any untreated water is
- 25       considered unsafe for consumption.
- 26       h. The owner's obligation and responsibility to notify future property owners,
- 27       heirs, successors, or tenants about the treatment device, proper maintenance
- 28       and operations, sampling requirements, potential health risks, and most
- 29       recent sample results of the water supply both before and after treatment.
- 30       i. That the SCHD may conduct a site visit within the first two years of
- 31       occupancy for the purpose of collecting a sample of the treated water for
- 32       analysis and to provide owner/occupant education relating to individual water
- 33       supplies.

- 1 6. SCHD will charge fees for records maintenance, follow-up water testing, and  
2 owner education activities as set forth by the Board of Health in chapter 1.40  
3 SCBHC.
- 4 7. All proposals for water treatment must be reviewed by SCHD for consistency with  
5 these policies and procedures. Furthermore, the applicant shall execute a  
6 statement which provides that any such review shall not constitute an  
7 endorsement by SCHD that such a treatment system in fact works, is reliable, or  
8 otherwise warranted or guaranteed to effectively treat the water to eliminate all  
9 health risks. In all respects, the applicant assumes full and complete  
10 responsibility and liability relative to the effectiveness, reliability, and viability of a  
11 water treatment system.
- 12 E. *Lead Levels.* Pursuant to these procedures, as well as other guidelines presently in  
13 effect, when evaluating test results for contaminants, in the absence of an  
14 established MCL, the following evaluation procedure for lead levels in drinking water  
15 applies:
- 16 1. SCHD, in determining potability for compliance with the assessment procedures  
17 outlined in subsections (A) and (B) of this section, will apply the EPA "Action  
18 Level" of 0.015 mg/l.
- 19 2. For results in excess of 0.015 mg/l, the applicant is required to conduct additional  
20 testing to demonstrate that the source water is of adequate quality with lead  
21 levels less than 0.015 mg/l.
- 22 F. *Fluoride Levels.* Pursuant to these procedures, as well as other guidelines presently  
23 in effect, when evaluating test results for contaminants, the primary MCL of 4.0 mg/l  
24 for fluoride cannot be exceeded and be in compliance with the potability  
25 requirements outlined in subsections (A) and (B) of this section. For results in  
26 excess of 4.0 mg/l, subsections (C) and (D) of this section will apply. For fluoride  
27 analyses with results less than or equal to 4.0 mg/l and greater than 2.0 mg/l, the  
28 following evaluation procedures apply:
- 29 1. The procedures outlined in subsection (C) of this section will apply to determine  
30 the level.
- 31 2. Upon confirmation of the level as being within the 2.0 mg/l to 4.0 mg/l range,  
32 written notification will be sent to the applicant outlining the test results with  
33 attached toxics fact sheet for fluoride. Additionally, the notification will direct the  
34 applicant to sample quarterly for a two-year period to confirm stability of levels  
35 with reduced sampling frequency of one per year if stable within the 2.0 mg/l to  
36 4.0 mg/l range.
- 37 3. The owner/applicant must notify future owners, heirs, successors, or tenants of  
38 the presence of fluoride in the drinking water and record the notification letter  
39 outlined in subsection (F)(2) of this section on the title of the property.



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

- 4 1. For the purpose of these procedures the MCL for arsenic shall be 0.010 mg/l (10  
5 parts per billion [ppb]).
- 6 2. For the purpose of satisfying subsection (D) of this section, treatment will only be  
7 considered for contaminant levels less than or equal to 0.150 mg/l (150 ppb).
- 8 3. For arsenic levels greater than 10 ppb and less than or equal to 50 ppb,  
9 compliance with subsection (D)(5) of this section is required prior to SCHD  
10 acceptance of the on-site sewage system “as-built” drawing for the structure to  
11 be served with treated water.
- 12 4. Subsections (D)(1), (D)(2) and (D)(3) of this section do not apply to arsenic levels  
13 less than or equal to 50 ppb.
- 14 5. In addition to the requirements listed in subsection (D) of this section, for  
15 individual water supplies with treatment to remove arsenic, the following U.S.  
16 Environmental Protection Agency “Health Effects Statement” shall be recorded  
17 onto the property title:

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

- 22 6. For individual water supplies with arsenic detected at or below the MCL, a  
23 statement must be recorded onto the property title prior to issuance of building  
24 permit, containing at a minimum the following:
  - 25 a. The results of each known arsenic analysis as well as any average used to  
26 determine compliance with the MCL.
  - 27 b. That arsenic concentrations in groundwater can vary over time.
  - 28 c. That there is variability in laboratory reporting.
  - 29 d. The following U.S. Environmental Protection Agency (EPA) “Informational  
30 Statement”:

31 While your drinking water meets EPA’s standard for arsenic, it does  
32 contain low levels of arsenic. EPA’s standard balances the current  
33 understanding of arsenic’s possible health effects against the costs of

1 removing arsenic from drinking water. EPA continues to research the  
2 health effects of low levels of arsenic, which is a mineral known to  
3 cause cancer in humans at high concentrations and is linked to other  
4 health effects such as skin damage and circulatory problems. (40 CFR  
5 141.154(b)(1)).

- 6 7. When averaging samples per subsection (C)(2) of this section, if any single  
7 sample exceeds 0.050 mg/L (50 ppb) arsenic then the MCL violation will be  
8 considered confirmed. Averaging per subsection (C)(2) of this section may be  
9 completed to determine the type of treatment required.  
10

11 **Chapter 6.10**  
12 **WATER QUALITY STANDARDS**

13 Sections:

14 6.10.010 Standards.

15 **6.10.010 Standards.**

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

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

24 B. *Application for Individual Water Supply Site Inspection, Concurrent with Application*  
25 *for On-Site Sewage Disposal Permit.* Refer to the current fee schedule in chapter  
26 1.40 SCBHC for application fees.

27 **Chapter 6.15**  
28 **DRINKING WATER RULES AND REGULATIONS – ARSENIC TESTING**

29 Sections:

30 6.15.010 Title and authority.

31 6.15.020 Purpose and policy declared.

- 1 6.15.030 Definitions.
- 2 6.15.040 Water analyses.
- 3 6.15.050 Water well reports.
- 4 6.15.060 On-site sewage disposal system permit.
- 5 6.15.070 Notification.
- 6 6.15.080 Waiver.

7 **6.15.010 Title and authority.**

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

13 **6.15.020 Purpose and policy declared.**

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

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

21 **6.15.030 Definitions.**

22 “Individual water supply” means as defined in chapter 6.05 SCBHC.

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

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

1 “State approved laboratory” means any laboratory approved by the Washington State  
2 Department of Health or Washington State Department of Ecology to perform arsenic  
3 analysis for public water systems.

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

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

9 **6.15.040 Water analyses.**

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

12 A. A new individual water supply is developed; or

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

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

17 **6.15.050 Water well reports.**

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

20 **6.15.060 On-site sewage disposal system permit.**

21 No on-site sewage disposal system permit shall be issued for a new residence without  
22 complying to SCBHC 6.15.040 and 6.15.050, as well as with SCBHC 6.05.030(D) and  
23 (G) when an individual water supply is proposed as the source of potable water.

24 **6.15.070 Notification.**

25 When the SCHD is notified that a well, within its jurisdiction, has yielded a well water  
26 sample with an arsenic level above 0.01 mg/l, the SCHD shall attempt to notify the  
27 owner of the property on which the well is constructed and any persons who are living  
28 on said property, or using the water supply of such well water sample results.

1 **6.15.080 Waiver.**

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

6  
7  
8

**Chapter 6.20  
RAINWATER CATCHMENT SYSTEMS**

9 Sections:

- 10 6.20.010 Purpose.
- 11 6.20.020 Established.
- 12 6.20.030 Definitions.
- 13 6.20.040 Individual water supplies – assessments, policies, and procedures.

14 **6.20.010 Purpose.**

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

23 **6.20.020 Established.**

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

1 **6.20.030 Definitions.**

2 In addition to the definitions adopted by reference in SCBHC 6.10.010, found in Section  
3 2 of the “Guidelines for Determining Water Availability for New Buildings”; Ecology  
4 Publication 93-27, April 1993; and chapter 173-160 WAC, the following shall apply:

5 “Adequate” means meeting the design, construction, treatment, and quantity  
6 requirements of these procedures.

7 “Individual water supply (IWS)” consists of one rainwater catchment source serving one  
8 single-family residence, in compliance with the State Department of Ecology Policy  
9 1017, “Water Resources Program Policy Regarding Collection of Rainwater for  
10 Beneficial Use,” and is exempt from the State Department of Health (DOH) Drinking  
11 Water Regulations, chapter 246-291 WAC.

12 “Potable” means meeting the water quality parameters as established in these  
13 procedures.

14 **6.20.040 Individual water supplies – assessments, policies, and procedures.**

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

18 1. SCHED approval of “Request for Review: Individual Water Supply” including the  
19 following minimum submittals:

20 a. Signed declaration of applicant;

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

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

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

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

32 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 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:

- 1 a. A “water budget” detailing the expected quantities of rainwater to be stored  
2 and treated, expected consumptive use, and methods of supplementing  
3 potable water in case of shortages. The water budget must demonstrate a  
4 minimum of 200 gallons per day (GPD) as the long-term average daily  
5 demand. Data sources for expected precipitation must be provided.
- 6 b. Square footage of rainwater catchment area.
- 7 c. Type of all materials to be used in constructing the proposed rainwater  
8 catchment system. Wood and petroleum-based roofing materials are not  
9 allowed. All piping, storage tanks, and treatment system components shall be  
10 NSF or FDA approved for drinking water systems. Storage tanks shall be  
11 located above ground or designed by a P.E. All concrete tanks must be  
12 designed by a P.E.
- 13 d. Filtration and disinfection are required with a detectable disinfectant residual  
14 maintained. Treatment systems shall be designed to achieve a 99.99 percent  
15 (four-log) removal/inactivation of viruses, 99.9 percent (three-log)  
16 removal/inactivation of *Giardia lamblia*, and 99 percent (two-log) removal of  
17 *Cryptosporidium*.
- 18 e. Level of required disinfectant residual.
- 19 f. Expected yield of treated water.
- 20 g. Locations at which treated water will be supplied.
- 21 h. Other water quality parameters considered in the design of the treatment  
22 process.
- 23 i. Minimum operation and maintenance requirements for the treatment process.
- 24 j. Method of treatment process residuals management.
- 25 k. *Minimum Ongoing Testing Requirements*. To include, at a minimum, daily  
26 residual disinfectant monitoring, flow usage data collection, quarterly testing  
27 of those parameters listed in subsection (C)(8) of this section of these  
28 supplemental policies and procedures, as well as any additional possible  
29 contaminants identified by the design engineer.
- 30 l. Submittal of the health department “Individual Water System Treatment  
31 System” fee.
- 32 5. Prior to acceptance of a rainwater catchment proposal, the applicant/property  
33 owner is required to record with the Snohomish County Auditor, at the  
34 applicant/property owner’s expense, a statement containing the common and  
35 legal address of the property, the property’s legal description and tax parcel



- 1 number, the present owner's name, and containing, at a minimum, the following  
2 additional information:
- 3 a. An identification of the water source for the residence as a rainwater  
4 catchment system.
  - 5 b. A disclosure of the gallons per day flow that the system is expected to  
6 produce from rainwater catchment on an annualized basis.
  - 7 c. The proposed source of water to be utilized in the event that the rainwater  
8 catchment system cannot produce the quantities needed.
  - 9 d. The type of treatment process to be installed.
  - 10 e. The expected yield of treated water, expressed in gallons per day.
  - 11 f. Locations at which treated water will be provided.
  - 12 g. That the treatment device will be properly maintained, along with periodic  
13 sampling, to ensure continued safety of the water supply. (Note: Specific  
14 sampling frequency is to be set in accordance with the designing engineer's  
15 recommendations, with a minimum of no less than quarterly.)
  - 16 h. A stated understanding and acknowledgment by the property owner that  
17 failure to sample and maintain the treatment system may result in adverse  
18 health effects to the users of the water supply and that any untreated water is  
19 considered unsafe for consumption.
  - 20 i. The owner's obligation and responsibility to conduct routine testing as  
21 required and to provide testing results to the health department upon request.
  - 22 j. The owner's obligation and responsibility to notify future property owners,  
23 heirs, successors, or tenants about the treatment device, proper maintenance  
24 and operations, sampling requirements, potential health risks, and most  
25 recent sample results of the water supply both before and after treatment.
- 26 6. All proposals for rainwater catchment water systems shall be reviewed by SCHED  
27 for consistency with these policies and procedures. Furthermore, the applicant  
28 shall execute a statement which provides that any such review shall not  
29 constitute a warranty or endorsement by SCHED that such a collection and  
30 treatment system in fact works, is reliable, or otherwise warranted or guaranteed  
31 to effectively treat the water to eliminate all health risks. In all respects, the  
32 applicant assumes full and complete responsibility and liability relative to the  
33 effectiveness, reliability, and viability of a water treatment system.
- 34 7. Once approved by the SCHED, a rainwater catchment IWS proposal will remain  
35 valid for two calendar years from the date of written approval. Upon issuance of

1 development permits for the associated single-family residence, the proposal will  
2 remain valid for the term of the development permit(s).

- 3 8. Prior to final approval of an on-site sewage disposal system installation and/or  
4 occupancy of the structure served by the water supply, the applicant/property  
5 owner is required to submit:
  - 6 a. Signed declaration of applicant.
  - 7 b. Satisfactory results of a bacteriological analysis.
  - 8 c. Satisfactory results of inorganic chemical analyses for the following: arsenic,  
9 barium, cadmium, chromium, lead, mercury, selenium, silver, sodium,  
10 fluoride, nitrate, and any other possible contaminants identified by the  
11 designing engineer as a required test parameter.
  - 12 d. A signed statement from a P.E., stating that the system was  
13 installed/constructed according to the submitted design or with any changes  
14 from the design clearly identified. Changes that may affect the quality or  
15 quantity of treated water delivered may require submittal of additional design  
16 information.

17  
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19  
20 Section 8. A new Title 7 is added to the Snohomish County Board of Health Code  
21 to read:

22  
23 **Title 7**  
24 **ILLEGAL DRUG MANUFACTURING OR STORAGE SITES**  
25

- 26 Chapters:
- 27 7.05 Decontamination of Illegal Drug Manufacturing or Storage Sites
  - 28 7.10 Contaminated Properties.
  - 29 7.15 Rules and Regulations Regarding Decontamination of Illegal Drug  
30 Manufacturing or Storage Sites.
  - 31

1 **Chapter 7.05**  
2 **DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES**

3 **7.05.010 Chapter 246-205 WAC.**

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

6 **Chapter 7.10**  
7 **CONTAMINATED PROPERTIES**

8 **7.10.010 Chapter 64.44 RCW.**

9 This section adopts chapter 64.44 RCW, Contaminated Properties, by reference.

10 **Chapter 7.15**  
11 **RULES AND REGULATIONS REGARDING DECONTAMINATION OF ILLEGAL**  
12 **DRUG MANUFACTURING OR STORAGE SITES**

13 Sections:

- 14 7.15.010 Authority and purpose.
- 15 7.15.020 Applicability.
- 16 7.15.030 Definitions.
- 17 7.15.040 Health officer determination and issuance of order.
- 18 7.15.050 Decontamination.
- 19 7.15.060 Securing property and abatement.
- 20 7.15.070 Assessment of costs.
- 21 7.15.080 Violations and civil penalties.
- 22 7.15.090 Notice and order to correct violation.

23 **7.15.010 Authority and purpose.**

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

28 B. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of  
29 the public by reducing the potential for public contact with hazardous chemicals

1 associated with the manufacture of illegal drugs and by providing a just and  
2 practicable method for decontaminating property where these hazardous chemicals  
3 commonly are present. In addition to the requirements established in chapter 64.44  
4 RCW and chapter 246-205 WAC, this chapter establishes additional requirements  
5 for decontamination, abatement, assessment of costs, and enforcement of the  
6 same.

7 **7.15.020 Applicability.**

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

11 **7.15.030 Definitions.**

12 When used in this chapter, the following terms have the meanings provided below.  
13 Other terms used in this chapter that are not defined below are provided in chapter  
14 64.44 RCW and chapter 246-205 WAC.

15 “Approved” means approved in writing by the health officer.

16 “Notice and order to correct violation” means the health officer’s order requiring  
17 correction of violations of the order, including imposition of civil penalties for violation of  
18 the order.

19 “Order” means the health officer’s order prohibiting use of property determined to be  
20 contaminated.

21 **7.15.040 Health officer determination and issuance of order.**

22 A. *General.* The requirements for site postings, inspection, determination of  
23 contamination, and issuance of the health officer’s order prohibiting use of  
24 contaminated property are in chapter 64.44 RCW and chapter 246-205 WAC.

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

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

- 1 1. There shall be no stay from the requirement in the order prohibiting use,  
2 occupancy, or the moving of any property.
- 3 2. There shall be no stay from the requirements of immediate compliance where the  
4 order has been designated an emergency order by the health officer.

5 **7.15.050 Decontamination.**

- 6 A. *Applicability.* The requirements in this section are in addition to the decontamination  
7 requirements in chapter 64.44 RCW and chapter 246-205 WAC. The requirements  
8 in this section apply to property that has been found by the health officer to be  
9 contaminated and unfit for use pursuant to RCW 64.44.020 and 64.44.030, and  
10 WAC 246-205-531 and 246-205-540, including property found contaminated and  
11 unfit for use by the health officer prior to the effective date of this chapter.
- 12 B. *Decontamination or Disposal Required.*
- 13 1. The owner, occupant, any person in control of any contaminated property, or any  
14 person responsible for contaminating the property, are required to decontaminate  
15 or dispose of the contaminated property. Decontamination or disposal of property  
16 shall be done in accordance with this chapter, chapter 64.44 RCW, chapter 246-  
17 205 WAC, all orders of the health officer, and shall comply with all applicable  
18 federal, state, and local laws, regulations, procedures, and guidelines.
  - 19 2. Any decontamination or disposal activities shall be performed through the  
20 services of a decontamination contractor certified by the Washington State  
21 Department of Health unless otherwise authorized by the health officer.
  - 22 3. Prior to commencing any decontamination or disposal activities a  
23 decontamination workplan must be submitted to and approved by the health  
24 officer unless otherwise authorized by the health officer. Any deviations from the  
25 workplan must be approved in advance by the health officer.
  - 26 4. Timelines for the performance of decontamination or disposal of property subject  
27 to the order shall be as follows, unless otherwise approved by the health officer:
    - 28 a. Contaminated property, excluding motor vehicles, trailers, and boats, shall be  
29 decontaminated or disposed of within 45 days of notification of contamination  
30 by the health officer.
    - 31 b. Contaminated motor vehicles, trailers, and boats shall be decontaminated or  
32 disposed of within 30 days of notification of contamination by the health  
33 officer.
- 34 C. *Decontamination Workplans.* All decontamination contractors certified by the  
35 Washington State Department of Health and other persons performing

1 decontamination or disposal operations approved by the health officer, shall use the  
2 Washington State Department of Health’s workplan template, as amended, unless  
3 otherwise approved by the health officer.

4 **7.15.060 Securing property and abatement.**

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

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

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

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

20 D. If the property owner or other persons to whom the order was directed have failed to  
21 decontaminate or dispose of contaminated property as ordered by the health officer,  
22 the health officer may direct or cause the property to be decontaminated, closed,  
23 vacated, boarded up, removed, disposed of or demolished, pursuant to this chapter,  
24 chapter 64.44 RCW and chapter 246-205 WAC.

25 **7.15.070 Assessment of costs.**

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

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

33 C. Notice of costs incurred shall be sent by first class and certified mail to the owners of  
34 the property upon which the costs are assessed or other persons against whom the

1 costs are charged. The health officer may modify the amount, methods, or time of  
2 payment of such costs upon considering the condition of the property and the  
3 circumstances of the person violating the provisions of this chapter. In determining  
4 any such modification, the costs may be reduced against an individual who has  
5 acted in good faith and would suffer extreme financial hardship.

6 **7.15.080 Violations and civil penalties.**

7 A. *Violations.*

- 8 1. Violations of this chapter may be addressed through a civil penalty as provided in  
9 subsection (B) of this section.
- 10 2. Each violation of this chapter shall be a separate and distinct offense.
- 11 3. Any property that is declared contaminated or unfit for use is an unlawful public  
12 nuisance.
- 13 4. Once the order has been issued, the city or county in which the contaminated  
14 property is located may take action to condemn or demolish property or to  
15 require the property be vacated or the contents removed from the property,  
16 pursuant to RCW 64.44.040.

17 B. *Civil Penalties.*

- 18 1. Violators of the provisions of this chapter shall be assessed a monetary penalty  
19 as provided for in the following section.
- 20 2. The following are considered violations of the provisions of this chapter:
- 21 a. *Occupying or Permitting Occupation of Property Declared Contaminated.* Any  
22 person who occupies or permits or authorizes the occupation of any property  
23 ordered vacated pursuant to this chapter, chapter 64.44 RCW, or chapter  
24 246-205 WAC shall be assessed a monetary penalty of \$100.00 per day;
- 25 b. *Removing or Allowing to Be Removed Property Declared Contaminated.* Any  
26 person who removes or allows to be removed any property declared  
27 contaminated pursuant to this chapter, chapter 64.44 RCW, or chapter 246-  
28 205 WAC shall be assessed a monetary penalty of \$250.00 per item  
29 removed. The removal of a trailer, vehicle or boat shall be assessed a  
30 monetary penalty of \$1,000 per occurrence;
- 31 c. *Removing, Destroying, Defacing, or Obscuring a Notice.* Any person who  
32 removes, destroys, defaces, obscures or otherwise tampers with any notice  
33 posted pursuant to this chapter, chapter 64.44 RCW, or chapter 246-205  
34 WAC shall be assessed a monetary penalty of \$250.00;

- 1 d. *Obstructing Employees or Agents of Health Department.* Any person who  
2 obstructs any enforcement officer, employee or agent of the Health  
3 Department carrying out the duties prescribed in this chapter, chapter 64.44  
4 RCW, or chapter 246-205 WAC shall be assessed a monetary penalty of  
5 \$250.00;
- 6 e. *Failure to Comply with Decontamination Requirements.* Any person who  
7 violates the decontamination requirements (SCBHC 7.15.050), unless  
8 otherwise authorized by the health officer, shall be assessed a monetary  
9 penalty of \$250.00;
- 10 f. *Failure to Report Contamination.* If a property owner believes that a tenant  
11 has contaminated property that was being leased or rented, and the property  
12 is vacated or abandoned and subsequently fails to report possible  
13 contamination to the health officer upon gaining such knowledge, shall be  
14 assessed a monetary penalty of \$100.00.

15 **7.15.090 Notice and order to correct violation.**

- 16 A. *Issuance.* Whenever the health officer determines that a violation of this chapter has  
17 occurred or is occurring, he/she may issue a written notice and order to correct  
18 violation to the property owner or to any person causing, allowing, or participating in  
19 the violation.
- 20 B. *Content.* The notice and order to correct violation shall contain:
- 21 1. The name and address of the property owner or other persons to whom the  
22 notice and order to correct violation is directed;
- 23 2. The street address or description sufficient for identification of the property upon  
24 or within which the violation has occurred or is occurring;
- 25 3. A description of the violation and a reference to the provision of this chapter that  
26 has been violated;
- 27 4. A statement of the action required to be taken to correct the violation and a date  
28 or time by which correction is to be completed;
- 29 5. A statement that each violation of this chapter shall be a separate and distinct  
30 offense; and
- 31 6. A statement that the enumerated violations cited per subsection (B)(3) of this  
32 section have resulted in the issuance of civil penalties as described in SCBHC  
33 7.15.080(B).



- 1 C. *Service of Order.* The notice and order to correct violation shall be served upon the  
 2 person to whom it is directed, either personally or by mailing a copy of the notice and  
 3 order to correct violation by first class and certified mail postage prepaid, return  
 4 receipt requested, to such person at his/her last known address.
- 5 D. *Extension.* Upon written request received prior to the correction date or time, the  
 6 health officer may extend the date set for corrections for good cause. The health  
 7 officer may consider substantial completion of the necessary correction or  
 8 unforeseeable circumstances that render completion impossible by the date  
 9 established as a good cause.
- 10 E. *Supplemental Order to Correct Violation.* The health officer may at any time add to,  
 11 rescind in part, or otherwise modify a notice and order to correct violation. The  
 12 supplemental order shall be governed by the same procedures applicable to all  
 13 notice and order to correct violation procedures contained in this chapter.
- 14 F. *Enforcement of Notice and Order to Correct Violation.* If, after any notice and order  
 15 to correct violation is duly issued by the health officer, the person to whom such  
 16 notice is directed fails, neglects, or refuses to obey such notice, the health officer  
 17 may:
- 18 1. Cause such person to be prosecuted under this chapter; and/or
  - 19 2. Institute any appropriate action to collect a penalty assessed under this chapter;  
 20 and/or
  - 21 3. Abate the health violation using the procedures of this chapter; and/or
  - 22 4. Pursue any other appropriate remedy at law or equity under this chapter.  
 23

24 Section 9. A new Title 8 is added to the Snohomish County Board of Health Code  
 25 to read:

26

27

28

**Title 8  
 SCHOOL HEALTH AND SAFETY**

29

30

Chapters:  
 8.05 Primary and Secondary Schools

31

32

**Chapter 8.05  
 PRIMARY AND SECONDARY SCHOOLS**

33

Sections:

1 8.05.010 Chapter 246-366 WAC.

2 **8.05.010 Chapter 246-366 WAC.**

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

5  
6 Section 10. A new Title 9 is added to the Snohomish County Board of Health  
7 Code to read:

8  
9 **Title 9**  
10 **SMOKING AND VAPING**  
11

12 Chapters:

- 13 9.05 Smoking in Public Places.
- 14 9.10 Restrictions on the Use and Availability of Vapor Products.

15  
16  
17 **Chapter 9.05**  
18 **SMOKING IN PUBLIC PLACES**

19 Sections:

- 20 9.05.010 Adoption by reference of chapter 70.160 RCW.
- 21 9.05.020 Authority and purpose.
- 22 9.05.030 Definitions.

23 **9.05.010 Adoption by reference of Chapter 70.160 RCW.**

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

27 **9.05.020 Authority and purpose.**

28 Under chapters 70.05 and 70.160 RCW, and for the sake of clarity in the application of  
29 chapter 70.160 RCW, the Snohomish County Board of Health adopts and incorporates  
30 local supplemental definitions relative to certain terminology found in chapter 70.160  
31 RCW. "Smoke" or "smoking," "public place," "place of employment," "employer," and  
32 "employee" shall be defined as provided in SCBHC 9.05.030.

1 **9.05.030 Definitions.**

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

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

15 “Place of employment” means any area under the control of a public or private employer  
16 which employees are required to pass through during the course of employment,  
17 including, but not limited to: entrances and exits to the places of employment, and  
18 including a presumptively reasonable minimum distance, as set forth in RCW  
19 70.160.075, of 25 feet from entrances, exits, windows that open, and ventilation intakes  
20 that serve an enclosed area where smoking is prohibited; work areas; restrooms;  
21 conference and classrooms; break rooms and cafeterias; and other common areas.  
22 “Place of employment” also means an outdoor venue or workspace that is adjacent to or  
23 enjoined with a business enterprise or work environment where employees are required  
24 to pass through during the course of employment; including but not limited to food/drink  
25 service areas such as on decks or outdoor areas. A private residence or home-based  
26 business, unless used to provide licensed childcare, foster care, adult care, or other  
27 similar social service care on the premises, is not a place of employment.

28 “Public place” means that portion of any building or vehicle used by and open to the  
29 public, regardless of whether the building or vehicle is owned in whole or in part by  
30 private persons or entities, the state of Washington, or other public entity, and includes  
31 a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of 25  
32 feet from entrances, exits, windows that open, and ventilation intakes that serve an  
33 enclosed area where smoking is prohibited. Public places include, but are not limited to:  
34 schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire  
35 conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor  
36 sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed  
37 shopping centers, retail stores, retail service establishments, financial institutions,  
38 educational facilities, ticket areas, public hearing facilities, state legislative chambers  
39 and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting  
40 areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception  
41 areas, and no less than 75 percent of the sleeping quarters within a hotel or motel that  
42 are rented to guests. A public place does not include a private residence. “Public place”

1 also means any public or private place that is open to the general public regardless of  
2 whether dues, cover charges or a fee is charged or there are restrictions such as an  
3 age requirement for the privilege of admission, and includes any place used by a  
4 membership association or club at which nonmember guests are present or permitted.  
5 This chapter is not intended to restrict smoking in private facilities which are  
6 occasionally open to the public except upon the occasions when the facility is open to  
7 the public. A public place does not include a private residence unless the private  
8 residence is used to provide licensed childcare, foster care, adult care, or other similar  
9 social service care on the premises.

10 “Smoke” or “smoking” means the carrying, use or smoking of any kind of lighted,  
11 combustible, smoldering, or burning cigarette, pipe, cigar, or other lighted smoking  
12 equipment including but not limited to tobacco, flavored tobacco products such as  
13 shisha (used with hookah smoking), or marijuana.

14 **Chapter 9.10**  
15 **RESTRICTIONS ON THE USE AND AVAILABILITY OF VAPOR PRODUCTS**

16 Sections:

- 17 9.10.010 Title – authority – purpose – applicability.
- 18 9.10.020 Findings.
- 19 9.10.030 Definitions.
- 20 9.10.040 Vaping prohibited in public places or places of employment.
- 21 9.10.050 Required signage.
- 22 9.10.060 Vaping prohibited within 25 feet of public places or places of  
23 employment – application to modify presumptively reasonable minimum  
24 distance.
- 25 9.10.070 Enforcement procedures.

26 **9.10.010 Title – authority – purpose – applicability.**

- 27 A. *Title.* The full title of this chapter is “Restrictions on the Use and Availability of Vapor  
28 Products in Snohomish County” which is codified as chapter 9.10 SCBHC and it  
29 shall be known as the Vapor Product Code of the Snohomish County Board of  
30 Health.
- 31 B. *Authority.* The Snohomish County Board of Health adopts this chapter under chapter  
32 70.05 RCW to preserve, promote, and improve the public health.
- 33 C. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of  
34 the public by reducing the potential for public exposure to nicotine, other drugs, and  
35 potentially harmful chemicals and by restricting sales of vapor products to reduce

1 access and use by minors. This chapter establishes additional requirements for  
2 assessment of costs and enforcement of the same.

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

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

9 Except to the limited extent of SCBHC 9.10.040 and 9.10.060, this chapter does not  
10 apply to any person or business that is licensed or endorsed for sales of recreational  
11 marijuana or medical marijuana by the state of Washington and/or the Washington  
12 State Liquor and Cannabis Board.

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

#### 17 **9.10.020 Findings.**

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

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

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

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

35 The chemical ingredients of solutions used in vapor products are not standardized or  
36 regulated, and neither manufacturers nor retailers are required to disclose chemical

1 content. Consumers have no way of determining exactly what substances they are  
2 inhaling or what the health consequences of such inhalation might be. Scientific  
3 analysis, including by the United States Food and Drug Administration, shows vapor  
4 products release fine and ultrafine particles of solvents, flavorings, and chemical  
5 byproducts produced in the heating process that can include carcinogens, heavy  
6 metals, and other hazardous chemicals. Adverse health consequences may result from  
7 direct or passive exposure to this unknown mixture of potentially harmful chemicals,  
8 especially in vulnerable populations including children, pregnant women, and individuals  
9 with compromised lung function.

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

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

19

20 **9.10.030 Definitions.**

21

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

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

35 “Indoor public place” means that portion of any building or vehicle used by and open to  
36 the public, regardless of whether the building or vehicle is owned in whole or in part by  
37 private persons or entities, the state of Washington, or other public entity, and includes  
38 a presumptively reasonable minimum distance, as set forth in SCBHC 9.10.060, of 25  
39 feet from entrances, exits, windows that open, and ventilation intakes that serve an  
40 enclosed area where smoking is prohibited. Public places include, but are not limited to:  
41 schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire  
42 conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor

1 sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed  
2 shopping centers, retail stores, retail service establishments, financial institutions,  
3 educational facilities, ticket areas, public hearing facilities, state legislative chambers  
4 and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting  
5 areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception  
6 areas, and no less than 75 percent of the sleeping quarters within a hotel or motel that  
7 are rented to guests. An indoor public place does not include a private residence.

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

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

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

21 “Outdoor public place” means a social space that is open and accessible to the public  
22 but located outside of buildings.

23 “Place of employment” means any area under the control of a public or private employer  
24 which employees are required to pass through during the course of employment,  
25 including, but not limited to: entrances and exits to the places of employment, and  
26 including a presumptively reasonable minimum distance, as set forth in SCBHC  
27 9.10.060, of 25 feet from entrances, exits, windows that open, and ventilation intakes  
28 that serve an enclosed area where smoking is prohibited; work areas; restrooms;  
29 conference and classrooms; break rooms and cafeterias; and other common areas.

30 “Place of employment” also means an outdoor venue or workspace that is adjacent to or  
31 enjoined with a business enterprise or work environment where employees are required  
32 to pass through during the course of employment; including but not limited to food/drink  
33 service areas such as on decks or outdoor areas. A private residence or home-based  
34 business, unless used to provide licensed childcare, foster care, adult care, or other  
35 similar social service care on the premises, is not a place of employment.

36 “Vaping” means the use of a vapor product or inhaling of vapor or aerosol from a vapor  
37 product.

38 “Vapor product” means any: (1) device that employs a battery or other mechanism to  
39 heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2)  
40 cartridge or container of a solution or substance intended to be used with or in such a

1 device or to refill such a device; or (3) solution or substance intended for use in such a  
2 device, including, but not limited to, concentrated nicotine. "Vapor product" includes any  
3 electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic  
4 cigarillos, electronic pipes, vape pens, steam stones, or similar products or devices, as  
5 well as any parts that can be used to build such products or devices. "Vapor product"  
6 does not include any drug, device, or combination product approved for sale by the  
7 United States Food and Drug Administration that is marketed and sold for such  
8 approved purpose.

9 **9.10.040 Vaping prohibited in public places or places of employment.**

- 10 A. No person may use a vapor product in an indoor public place or in any place of  
11 employment except for the purpose of tastings under RCW 70.345.100.
- 12 B. No person may use a vapor product in any outdoor public place where children  
13 congregate. This includes, but is not limited to, real property that is under the control  
14 of child care facilities or schools, playgrounds, parks, beaches, athletic fields, and  
15 stadiums.

16 **9.10.050 Required signage.**

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

23 **9.10.060 Vaping prohibited within 25 feet of public places or places of**  
24 **employment – application to modify presumptively reasonable**  
25 **minimum distance.**

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



1 windows that open, ventilation intakes, or other factors, vapor will not infiltrate or reach  
2 the entrances, exits, open windows, or ventilation intakes or enter into such public place  
3 or place of employment and, therefore, the public health and safety will be adequately  
4 protected by a lesser distance.

5 **9.10.070 Enforcement procedures.**

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

10 B. The health officer or designee may enforce the requirements and restrictions of this  
11 chapter by one or a combination of the following by the issuance of a written order:

- 12 1. Requiring an informal administrative conference;
- 13 2. Prohibiting certain conduct or directing certain conduct;
- 14 3. Imposing a civil fine of up to \$100.00 for each violation. Each day upon which a  
15 violation occurs or is permitted to continue constitutes a separate violation.

16 The health officer or designee is authorized to pursue civil fines and costs by  
17 commencement of civil action independent of and/or as a means of enforcing written  
18 orders of the health officer referenced above.  
19

20 Section 11. A new Title 10 is added to the Snohomish County Board of Health  
21 Code to read:

22 **Title 10**  
23 **CAMPING FACILITIES**  
24

- 25 Chapters:
- 26 10.05 Group Camp Regulations
  - 27 10.10 Recreation Camping Facilities
- 28

29 **Chapter 10.05**  
30 **GROUP CAMP REGULATIONS**

- 31 Sections:
- 32 10.05.010 Chapter 246-376 WAC.

1 **10.05.010 Chapter 246-376 WAC.**

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

4

5

6

**Chapter 10.10  
RECREATION CAMPING FACILITIES**

7 Sections:

8 10.10.010 Recreational vehicle dump station regulations.

9 10.10.020 Buildings provided for camping.

10 **10.10.010 Recreational vehicle dump station regulations.**

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

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

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

19 **10.10.020 Buildings provided for camping.**

20 Buildings provided for camping must meet the applicable physical site improvements,  
21 water supply, sewage disposal, and sanitary facilities as required per chapter 10.05  
22 SCBHC, as well as applicable building codes.

23

24 Section 12. A new Title 11 is added to the Snohomish County Board of Health  
25 Code to read:

26

27

28

**Title 11  
MOBILE HOME PARKS**

29 Chapters:

30 11.05 Mobile Home Park Sanitary Regulations

31

1 **Chapter 11.05**  
2 **MOBILE HOME PARK SANITARY REGULATIONS**

3 Sections:

- 4 11.05.010 Definitions.  
5 11.05.020 Sewage disposal.  
6 11.05.030 Water supply.  
7 11.05.040 Solid waste disposal.  
8 11.05.050 General sanitation.  
9 11.05.060 Mobile home park providing recreation camping facilities.

10 **11.05.010 Definitions.**

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

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

17 **11.05.020 Sewage disposal.**

18 All sewage and waste water from a mobile home park shall be drained to a sewage  
19 disposal system which is approved by the health officer. Sewage disposal systems shall  
20 be designed, constructed, and maintained in accordance with chapters 246-272 and  
21 173-240 WAC and local regulations.

22 **11.05.030 Water supply.**

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

26 **11.05.040 Solid waste disposal.**

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

1 **11.05.050 General sanitation.**

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

4 **11.05.060 Mobile home park providing recreation camping facilities.**

5 Any mobile home park which provides recreation camping facilities must also be in  
6 compliance with chapter 10.10 SCBHC, Recreation Camping Facilities.

7  
8  
9

1 Section 13. Severability. If any provision of this ordinance or its application to any  
2 person or circumstance is held invalid, the remainder of the ordinance or the application  
3 of the provision to other persons or circumstances is not affected.  
4

5  
6 Section 14. Effective date. This ordinance shall take effect on July 1, 2024.  
7

8  
9  
10 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.  
11

12  
13  
14 SNOHOMISH COUNTY BOARD OF HEALTH  
15 Snohomish County, Washington  
16

17  
18 \_\_\_\_\_  
19 Chairperson  
20

21  
22 ATTEST:  
23

24  
25 \_\_\_\_\_  
26 Clerk of the Board  
27

28 ( ) APPROVED  
29 ( ) EMERGENCY  
30 ( ) VETOED  
31

32 DATE: \_\_\_\_\_  
33  
34

35  
36 Approved as to from only:  
37

38 Matthew A. Otten 5/6/24  
39 Deputy Prosecuting Attorney  
40  
41  
42  
43

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Board of Health Code: Administrative Rules (SR 24-011B; Nicole Thomsen)

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**Division:**

Office of the Director / Nicole Thomsen, Public Affairs & Policy Manager

**Prior Board Review:**

August 8, 2023; October 10, 2023; April 9, 2024

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**Background**

Snohomish County Code 2.300.130 requires that the Board of Health adopt administrative rules and procedures. Revised draft administrative rules (Attachment A) are based on several discussions and review of King County's Board of Health administrative rules, Snohomish Health District Charter, and Snohomish County Code.

At the October regular meeting a board working group was established to discuss gaps and needs for the next revision. The working group was convened on November 17, 2023, with board members Dunn and Skubi in attendance.

The attached draft rules reflect previous conversations and review from the Board's legal resources.

**Board Authority**

RCW 70.05.060 – Powers and duties of local board of health and Snohomish County Code Chapter 2.300

**Recommended Motion**

**No motion required. Briefing only.**

**ATTACHMENTS:**

Description

- Draft BOH Administrative Rules Ordinance Dated May 8, 2024 - Redlined

1 SNOHOMISH COUNTY BOARD OF HEALTH  
2 Snohomish County, Washington

3  
4 ORDINANCE NO. BOH24-\_\_\_\_

5  
6 CREATING BOARD OF HEALTH ADMINISTRATIVE RULES; ADDING CHAPTER 1.10  
7 TO THE SNOHOMISH COUNTY BOARD OF HEALTH CODE

8  
9 BE IT ORDAINED:

10  
11 Section 1. A new chapter is added to Title 1 of Snohomish County Board of  
12 Health Code to read:

13  
14 **Chapter 1.10**

15  
16 **ADMINISTRATIVE RULES AND PROCEDURES**

17  
18 Sections:

- 19 1.10.010 Purpose.  
20 1.10.020 Chair.  
21 1.10.030 Vice-Chairs.  
22 1.10.040 Meetings.  
23 1.10.050 Agenda.  
24 1.10.060 Rules and regulations.  
25 1.10.070 Resolutions.  
26 1.10.080 Quorum and voting.  
27 1.10.090 Staffing to the board of health.  
28 1.10.100 Codification.  
29 1.10.110 Code of Conduct.  
30 1.10.120 Parliamentary rules.

31  
32 1.10.010 Purpose.

33  
34 ~~To supplement SCC 2.300 requirements relating to the board of health, and other~~  
35 ~~applicable laws. The purpose of the chapter 1.10 is to supplement chapter 2.300 SCC.~~

36  
37 1.10.020 Chair.

- 38  
39 A. The board shall annually elect a chair ~~in January selected~~ from ~~among the board~~  
40 ~~members representing the~~ Snohomish County council ~~board members~~.  
41 B. The chair shall preside at the meetings of the Board of Health and perform such  
42 other duties as custom and parliamentary procedure require, except as otherwise  
43 provided by SCBOH 1.10.040.  
44 C. The chair may impose time and subject matter limits for the testimony and comment  
45 given by the public and members of the board.  
46 D. The chair may alter the order of the agenda if necessary, in order to expedite orderly

- 1 debate and passage of routine matters.
- 2 E. The chair may speak to points of order, inquiry, and shall decide all questions of
- 3 order, subject to appeal from two members of the board.
- 4 F. The chair may establish standing and ad hoc committees of the board and may
- 5 appoint board members and other persons to any committee to facilitate the
- 6 performance of the board's function.
- 7 G. The chair shall sign all documents requiring the signature of the board, and the
- 8 chair's signature shall be as legal and binding as if all members had affixed their
- 9 names.

10

11 1.10.030 Vice-chair.

12

- 13 A. ~~Annually the~~The board shall ~~designate annually elect~~ a vice-chair. ~~The vice-chair~~
- 14 ~~shall be from elected city officials of the board and the nonelected members of the~~
- 15 ~~board as defined in SCC 2.300.100(d).~~ from its membership excluding the
- 16 Snohomish County council members.
- 17 B. In the absence of the chair, ~~a the~~ vice-chair will exercise the duties, powers, and
- 18 ~~prerogatives authority~~ of the chair.
- 19

20 1.10.040 Meetings.

21

- 22 A. The time of the regular meeting of the board shall be 3:00 p.m. on the second
- 23 Tuesday of each month. If at any time any regular meeting falls on a holiday, such
- 24 regular meeting shall be held on the next business day.
- 25 B. Any regular meeting may be cancelled by the board of health chair.
- 26 C. All regular meetings of the board shall be held in the health department auditorium
- 27 located at 3020 Rucker Ave, Everett, Washington, and via video conferencing.
- 28 D. ~~A member who is physically present, as designated by the chair, must preside over~~
- 29 ~~the meeting~~In the event neither the chair nor the vice-chair are physically present for
- 30 a meeting, the chair shall designate a member who is physically present to preside
- 31 over the meeting.
- 32 E. The chair or a majority of board members may call a special meeting consistent with
- 33 the provisions of ~~RCW chapter~~ 42.30 RCW.
- 34 F. If, by reason of fire, flood, earthquake, or other emergency, there is a need for
- 35 expedited action by the board of health to meet the emergency, the chair may
- 36 provide for a meeting site other than the regular meeting site, for a remote meeting
- 37 without a physical location, or for a meeting at which the physical attendance by
- 38 some or all members of the public is limited due to a declared emergency, and the
- 39 notice requirements of chapter 42.30 RCW shall be suspended during such
- 40 emergency.
- 41 G. Video conferencing best practices for safe and secure meetings will be established
- 42 by the board and implemented by the clerk.
- 43

44 1.10.050 Agenda.

45

- 46 A. Subject to the discretion of the chair, the board shall dispose of business in the



1 following order:

- 2 1. Call to order;
- 3 2. Roll call;
- 4 3. Approval of agenda contents and order;
- 5 4. Approval of minutes;
- 6 5. Special business;
- 7 6. Public comment;
- 8 7. Written reports;
- 9 8. Consent agenda;
- 10 9. Action;
- 11 10. Briefings;
- 12 11. Report of the health department director;
- 13 12. Report of the health officer;
- 14 13. Executive session (as needed);
- 15 14. Information items; and
- 16 15. Adjourn.

17 B. The agenda for regular and special meetings shall include information about how to  
18 access meetings remotely.

19  
20 1.10.060 Rules and regulations.

- 21
- 22 A. The board of health shall adopt, amend, and repeal its rules and regulations by  
23 ordinance.
- 24 B. Before adoption, amendment, or repeal of any rule and regulation, the board shall  
25 conduct a public hearing on the subject of the proposed rule and regulation at a  
26 regular or special meeting of the board.
- 27 C. The board of health clerk shall provide notice of a public hearing, except emergency  
28 ordinances, to include the time and place initially set for hearing prior to the adoption  
29 by the board of health. Notice shall be published in the official county newspaper  
30 and Snohomish county department of health website.
- 31 D. Any proposed ordinance may be amended by motion at the public hearing without  
32 publication, provided that such amendments shall not change the scope and object  
33 of the proposed ordinance.
- 34 E. On final passage the vote must be taken by roll call vote of yeas and nays.
- 35 F. Following passage, the ordinance shall be signed by the chair, or the vice-chair in  
36 the absence of the chair.
- 37 G. Ordinances shall take effect 10 days after they are signed by the board of health  
38 chair or otherwise enacted, or at a later date as stated in the ordinance.
- 39 H. Ordinances shall be drafted in a form established by the clerk of the board.

40  
41 1.10.070 Resolutions.

- 42
- 43 A. The board may pass resolutions that express its opinion concerning any item of  
44 business or matter of administration coming within its powers.
- 45 B. Resolutions do not have the force of law.
- 46 C. Adoption of resolutions shall be considered as action items on meeting agendas.

1 D. Resolutions shall be drafted in a form established by the clerk of the board.

2  
3 1.010.080 Quorum and voting.

4  
5 A. Board action shall require an affirmative vote of a majority of all members entitled to  
6 vote on the specific action.

7 B. The chair may request an advisory vote from appointed members prior to action  
8 being taken related to the setting or modification of permit, licensing, and application  
9 fees.

10 C. There will be no voting by proxy for any board of health action.

11  
12 1.010.90 Staffing to the board of health.

13  
14 A. The executive secretary and administrative officer of the board shall be the director  
15 of the Snohomish county department of health who shall be responsible for  
16 administering the operations of the board including such other administrative duties  
17 required by the board and as directed by the chair.

18 B. The administrative officer may designate a board of health administrator and board  
19 of health clerk.

20 C. The board administrator shall coordinate work and provide information among board  
21 members and between the department administrative officer and the board, work  
22 with the chairperson and clerk of the council board on the calendar and agendas and  
23 perform such other duties as are delegated by the board through the chairperson.

24 D. The clerk shall attend meetings and hearings of the board, cause minutes of  
25 meetings and hearings to be kept as required by law, coordinate meetings and  
26 hearings of the board ~~or its members with other county officials~~, maintain the board's  
27 records ~~and provide access to those records on the internet~~, codify publish all  
28 adopted rules and regulations adopted by the board, provide attestation, and  
29 perform such other duties as requested by the administrative officer.

30  
31 1.010.100 Codification.

32  
33 The board, through the clerk of the board, shall provide for the codification of all rules  
34 and regulations that have the force of law and are permanent and general nature and  
35 for the compilation of all resolutions. The code and compilation shall be posted to the  
36 internet with an index and appropriate notices, citations, and annotations.

37  
38 1.010.110 Code of conduct.

39  
40 ~~A.~~ The board will establish a code of conduct that provides ethical standards and  
41 expectations for board of health members. ~~The code of conduct will include~~  
42 ~~components addressing values, ethics, and attendance, including grounds for~~  
43 ~~removal.~~

44 ~~B. Board members will provide written receipt of and agreement to adhere to the code~~  
45 ~~of conduct.~~

1 1.010.120 Parliamentary rules.

2  
3 The rules contained in the most current version of Robert’s Rules of Order shall govern  
4 all rules of this body, in all cases to which they are applicable, and in which they are not  
5 inconsistent with the rules in this chapter.  
6

7  
8  
9 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

10  
11  
12 SNOHOMISH COUNTY BOARD OF HEALTH  
13 Snohomish County, Washington

14  
15  
16 \_\_\_\_\_  
17 Chairperson

18  
19 ATTEST:

20  
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22 \_\_\_\_\_  
23 Clerk of the Board

- 24  
25 ( ) APPROVED  
26 ( ) EMERGENCY  
27 ( ) VETOED  
28

29  
30  
31 Approved as to form only:

32  
33  
34 \_\_\_\_\_  
35 Deputy Prosecuting Attorney  
36

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Snohomish County Ordinance 24-011: Testing of County-Owned Housing Facilities

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**ATTACHMENTS:**

Description

- ▣ Snohomish County Council Staff Report
- ▣ Snohomish County Amended Ordinance 24-011



# Health and Community Services

Cynthia Foley

Council Initiated:

Yes

No

**ECAF:** 2024-0168

**Ordinance:** 24-011

**Type:**

Contract

Board Appt.

Code Amendment

Budget Action

Other

**Requested Handling:**

Normal

Expedite

Urgent

**Fund Source:**

General Fund

Other

N/A

**Executive Rec:**

Approve

Do Not Approve

N/A

**Approved as to**

**Form:**

Yes

No

N/A

**Subject:** Annual Testing of County-Owned Housing Facilities for Hazardous Chemicals

**Scope:** Ordinance 24-011 adds a code section to SCC Chapter 4.48 Procedures for the Management and Disposition of County-Owned Personal and Real Property<sup>1</sup>. The new section requires annual testing of County-owned housing facilities for hazardous chemicals as defined in RCW 64.44.010(4)<sup>2</sup>. This definition includes:

- Methamphetamine in amounts exceeding the decontamination standards set by the department when found in transient accommodations such as hotels, motels, bed and breakfasts, resorts, inns, crisis shelters, hostels, and retreats that are regulated by the department; and
- Substances associated with the illegal manufacture of controlled substances, the controlled substance or substances being manufactured; and
- Any dangerous or extremely hazardous waste (RCW 70A.300.010 (1) and (7)<sup>3</sup>).

Testing will be implemented by the Department of Facilities and Fleet and the specific chemicals being tested are selected at the discretion of the Director of the Department of Facilities and Fleet. Test results will be provided to Council upon request.

Testing will take place at County-owned housing including unsecured shared areas such as bathrooms, laundries, and lobbies. Tested areas include locations defined as “property” under RCW 64.44.010(6):

- Any real or personal property, or segregable part thereof, that is involved in or affected by the unauthorized manufacture, distribution, storage, or use of hazardous chemicals.
- This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, transient accommodations, boats, motor vehicles, trailers, manufactured housing, any shop, booth, garden, or storage shed, and all contents of the items referenced in this subsection.

**Duration:** N/A

**Fiscal Impact:**  Current Year  Future-Year  N/A

The Office of the County Executive does not anticipate a significant fiscal impact.

**Authority Granted:** N/A

<sup>1</sup> [ch. 4.46 Procedures for Management and Disposition of County-Owned Personal and Real Property | Snohomish County Code](#)

<sup>2</sup> [RCW 64.44.010: Definitions. \(wa.gov\)](#)

<sup>3</sup> [RCW 70A.300.010: Definitions. \(wa.gov\)](#)

# Health and Community Services

Cynthia Foley

**Background:** State law addresses property contamination from illegal drugs and creates procedures for reporting contamination when it is identified. The Legislative Finding section of RCW 64.44 Contaminated Properties<sup>4</sup> states:

*“The legislature finds that some properties are being contaminated by hazardous chemicals used in unsafe or illegal ways in the manufacture of illegal drugs or by hazardous drugs contaminating transient accommodations regulated by the department. Innocent members of the public may be harmed by the residue left by these chemicals when the properties are subsequently rented or sold without having been decontaminated.”*

WAC 246-205-541(1)<sup>5</sup> sets a methamphetamine decontamination standard of less than or equal to 1.5 micrograms per 100 square centimeters. No health-based guidelines or regulations exist for fentanyl on surfaces.

On August 17, 2022, Council approved the purchase of a 76-unit hotel in Everett for \$10,823,000 with the passage of Motion 22-330<sup>6</sup> and the purchase of 54-unit hotel in Edmonds for \$9,075,000 in Motion 22-338<sup>7</sup>. On April 19, 2023, Council approved a bid award recommendation for the decontamination and abatement of the facility in Edmonds<sup>8</sup> in the amount of \$348,999.92.

**Requested Action:** Move to GLS on February 28, 2024, to set time and date for Public Hearing.

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<sup>4</sup> [Chapter 64.44 RCW: CONTAMINATED PROPERTIES \(wa.gov\)](#)

<sup>5</sup> [WAC 246-205-541:](#)

<sup>6</sup> [2022-0712 - Motion 22-330 \(legistar.com\)](#)

<sup>7</sup> [2022-0764 - Amended Motion 22-338 \(legistar.com\)](#)

<sup>8</sup> [2023-0426 - Bid Award Recommendation - SIGNED \(legistar.com\)](#)

1 ADOPTED: 5/01/2024  
2 EFFECTIVE:

3 SNOHOMISH COUNTY COUNCIL  
4 Snohomish County, Washington

5  
6 AMENDED ORDINANCE NO. 24-011

7  
8 ANNUAL TESTING OF COUNTY-OWNED HOUSING FACILITIES FOR  
9 CONTAMINATION FROM HAZARDOUS CHEMICALS

10  
11 BE IT ORDAINED:

12  
13 Section 1. A new section 4.46.800 is added to Snohomish County Code to read:

14  
15 4.46.800 Testing of county-owned housing facilities

- 16  
17 (1) County-owned housing will be tested every 12 months for hazardous materials  
18 and/or controlled substances, excluding housing for county employees and  
19 contractors.  
20 (2) A testing requirement complying with this section will be included in leases,  
21 licenses, service agreements, operation agreements or other contracts related to  
22 the use or operation of such county-owned housing.  
23 (3) The department of facilities and fleet will test for methamphetamine and, at the  
24 discretion of the director of the department of facilities and fleet, may test for  
25 other hazardous materials and/or controlled substances.  
26 (4) Testing shall be performed on all individual housing units, whether contained  
27 within single-family residences, multiplexes, condominiums, apartment buildings,  
28 motels or hotels, transient accommodations, pallet shelters, emergency shelters  
29 that operate more than thirty days per year or manufactured homes, as well as  
30 unsecured shared areas, including but not limited to, bathrooms, laundries, and  
31 lobbies. The director of the department of facilities and fleet shall have the  
32 discretion to test secured offices and secured outbuildings, including shops and  
33 sheds.  
34 (5) The results of all testing shall be provided to the county council upon request.

35  
36 PASSED this 1<sup>st</sup> day of May, 2024.

37  
38  
39 SNOHOMISH COUNTY COUNCIL  
40 Snohomish County, Washington

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42  
43   
44 \_\_\_\_\_  
45 Council Chair  
46

1 ATTEST:

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*M. Glendon*

Deputy Clerk of the Council

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11 ( ) APPROVED

12 ( ) EMERGENCY

13 ( ) VETOED

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DATE: \_\_\_\_\_

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County Executive

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22 ATTEST:

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28 Approved as to form only:

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Deputy Prosecuting Attorney





Upcoming Meetings

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**Background**

Upcoming Board of Health meetings:

June 11, 2024

July 9, 2024

September 10, 2024

Note: The August Board of Health meeting is cancelled. A special retreat will be scheduled instead at the end of August. More details to come soon.

All regular meetings occur on the second Tuesday of the month at 3:00 p.m.