

## Mason County On-Site Sewage Ordinance

### **6.76.010 Authority.**

Pursuant to the authority of Chapters 43.20.050, 70.46 and 70.05.060 RCW, this chapter is established as minimum requirements of the Mason County board of health, governing on-site sewage systems in Mason County. (Res. 68-96 (part), 1996: § 1 of Ord. dated 3/2/95).

### **6.76.020 Purpose.**

The purpose of this chapter is to assure protection of public health by:

- (1) Minimizing the public health effects of on-site sewage systems on surface water and ground water;
- (2) Minimizing the potential for public exposure to sewage;
- (3) Establishing design, installation and management requirements for on-site sewage systems to accommodate effective treatment and disposal of sewage on a long-term basis;
- (4) Require a known level of treatment for sewage disposed in Mason County;
- (5) Enhance protection of environmentally sensitive areas within Mason County that are designated by Mason County board of health as areas of special concern. (Res. 68-96 (part), 1996: § 2 of Ord. dated 3/2/95).

### **6.76.030 Administration.**

The Mason County health services director, through authority delegated by the Mason County board of health and the Mason County health officer, shall administer this chapter. Fees may be charged for this administration. (Res. 68-96 (part), 1996: § 3 of Ord. dated 3/2/95).

### **6.76.040 Definitions.**

The definitions of terms contained in Chapter 246-272 WAC are adopted and incorporated by reference. In addition, the following definitions shall also apply in this chapter:

“Board” means the Mason County board of health.

“Department” means the Mason County department of health services.

“Director” means the Mason County director of health services or a member of the department authorized by and under the direct supervision of the Mason County health officer and director.

“Environmentally sensitive areas” means an area of definite boundaries delineated by the Mason County board of health through the public process, where such board, in consultation with Washington Department of Health and Washington Department of Ecology, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

“Health officer” means the Mason County health officer or a member of the department authorized by and under the direct supervision of the Mason County health officer.

“Vertical separation” means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal watertable, restrictive layer, or soil type 1A. (Res. 68-96 (part), 1996: § 4 of Ord. dated 3/2/95).

### **6.76.050 Applicability.**

(a) This chapter shall apply to all on-site sewage systems except the following:

- (1) New construction for which a permit was issued prior to adoption of this chapter and which is still valid. Regulations in effect at the time the permit was issued shall apply;

(2) Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Ecology. Where this regulation is in conflict with Chapter 90.48 or 70.95 RCW, said RCW shall apply.

(b) The requirements of Section 6.76.070, Environmentally sensitive areas shall apply only within the boundaries of said areas, established in the manner outlined in that section.

(c) Where any of the requirements of this chapter conflict with one another or with any requirements of Chapter 246-272, the more stringent requirement shall apply, except the more stringent requirements of Section 6.76.070, Environmentally sensitive areas shall not apply to the remainder of the county. (Res. 68-96 (part), 1996: § 5 of Ord. dated 3/2/95).

#### **6.76.060 Minimum standards and adoption by reference.**

(a) Chapter 246-272 WAC, Rules and Regulations of the State Board of Health for On-Site Sewage Systems, as presently constituted and as hereafter amended, is adopted and incorporated by reference in this chapter. Copies of said document shall be kept on file and made available for public inspection at the department office.

(b) "Mason County Standards for the Design and Construction of Sewage Systems" as presently constituted and hereafter amended, is adopted and incorporated by reference in this chapter. Copies of said document shall be kept on file and made available for public inspection at the department office.

(c) Permits shall be required prior to any construction, alteration, extension, relocation or repair of any on-site system. Permits shall be valid for two years from the date and signature of site inspection. Permit fees shall be charged according to the "Mason County Department of Health Services Fee Schedule." Copies of said document shall be kept on file and made available for public inspection at the department office.

(d) Sewage holding tank systems shall not be approved by the director. The director may issue waivers for use of holding tanks in certain cases, but only when the following conditions are first met:

(1) The applicant demonstrates the holding tank will be utilized in a controlled, part-time and nonresidential usage situation such as in a recreational vehicle park, trailer dump station, low water use limited hour business or emergency situation;

(2) The applicant submits a design following established design criteria in accordance with Washington Department of Health guidelines;

(3) The applicant submits a management program to the director assuring effective ongoing operation and maintenance. (Res. 68-96 (part), 1996: § 6 of Ord. dated 3/2/95).

#### **6.76.070 Environmentally sensitive areas.**

The director shall develop and present to the board no later than January 1, 1996, additional provisions for environmentally sensitive areas. (Res. 68-96 (part), 1996: § 7 of Ord. dated 3/2/95).

#### **6.76.080 Certified pumper requirements.**

(a) It is unlawful for any person, firm or corporation to engage in cleaning any septic tank, seepage pit or chemical toilet, or removing other accumulations of sewage without first having obtained a pumper's certificate from the department.

(b) The requirements for pumper certification shall include all of the following:

(1) The applicant shall demonstrate having a certified disposal site for the septage or holding tank wastes.

(2) The applicant shall demonstrate sanitary equipment meeting the following requirements:

(A) The pump tank shall be of at least one thousand gallons in capacity, in good repair, and of cleanable construction.

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

(C) All discharge valves shall be in good repair, free from leaks and fitted with water-tight caps.

(D) The name of the operating firm shall be prominently displayed on the sides of any pump tank vehicle.

(c) The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A pumper's certificate shall not be transferable.

(d) Prior to the issuance of a pumper's certificate, the applicant shall provide a current surety bond executed by a surety company authorized to do business in the state of Washington and approved as to form by the county prosecuting attorney, to the department in the sum of two thousand five hundred dollars for the use and benefit of all persons who may be injured or aggrieved by the wrongful act of such sewage pumper. (Res. 68-96 (part), 1996: § 8 of Ord. dated 3/2/95).

#### **6.76.090 Certified installer requirements.**

(a) It is unlawful for any person, firm or corporation to engage in construction, alteration, repair or modification of an on-site sewage system within Mason County without first obtaining an installer's certificate from the department.

(b) Any excavation work associated with installation, alteration, repair or modification of an on-site sewage system within Mason County shall be performed by an installer certified by the department, except nothing contained herein shall prohibit resident owners from installing an individual on-site sewage system or making repairs or alterations when all the following conditions are met:

(1) The system installed, altered or repaired is a gravity distribution septic tank and drainfield system installed so as to maintain a minimum of three feet of vertical separation (separation between the bottom of the subsurface absorption system and the restrictive layer or seasonal watertable), and does not utilize pressure distribution for dispersal of sewage effluent.

(2) The person performing the work must own the residence served by the system under construction, repair or modification.

(3) The person performing the work must reside at the residence served by the system under construction, repair or modification.

(4) The person performing the work must satisfy all requirements of this chapter, including obtaining the necessary permit, following the appropriate construction standards and obtaining the required inspections from department personnel.

(5) The resident owner being assisted by others may not contract or hire a person or concern to perform any work on his or her on-site sewage system unless that person is an installer certified in the manner set forth in this section.

(c) Requirements for installer certification shall include all of the following:

(1) Prior to issuance of a certificate to install, the director shall require written examination of the applicant's knowledge of sanitary system principles and the rules, regulations, laws and ordinances affecting the public health and safety with respect to on-site sewage systems.

(2) The initial certification fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. An installer's certificate shall not be transferable.

(3) Presentation to the director of a copy of a specialty contractor's certificate and bond or a surety bond in the amount of four thousand dollars.

(4) The installer shall demonstrate to the director a minimum annual attendance of four hours of classes dealing with subject matter related to application, design and construction of on-site systems. The four hours may be averaged over two consecutive years, and may be demonstrated to the director by certification of completion provided by the instructor or sponsor of said educational activity.

(5) Presentation to the director of evidence showing a minimum of one-year's experience working with a certified installer, or some other experience that can be demonstrated to the director as providing knowledge and skills equivalent to having worked with a certified installer for a minimum of one year.

(d) An installer's certificate may be suspended by the director or certified contractor review board for a period not to exceed thirty days for incompetency, negligence, misrepresentation, or the installation, repair or modification of a system for which a permit has not been previously obtained, or for failure by the holder to comply with any other requirement of this chapter. Said suspension may be appealed by the holder of the certificate following the provisions of Section 6.76.150 of this chapter and will be held in abeyance pending resolution of the appeal.

(e) An installer's certificate shall be revoked by the certified contractor review board for a period not to exceed one year for serious or repeated violations of any of the requirements of this chapter, using the following procedure:

(1) The chair of the certified contractor review board shall notify the installer in writing, stating the reasons for which the installer's certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten days following service of such notice, unless a written request for hearing is filed with the department by the holder of the installer's certificate within the ten-day period.

(2) The director shall schedule a special hearing of an appeal by the installer with the certified contractor review board within thirty days of the request for hearing.

(3) The director may suspend the installers certificate pending the hearing with the certified contractor's review board.

(4) Any installer whose certificate has been revoked will be required to take the written examination again before issuance of a new installer's certificate.

(f) It is unlawful for an installer to engage in construction, alteration, repair or modification of an on-site sewage system within Mason County during the period his or her certificate is revoked or suspended. (Res. 68-96 (part), 1996: § 9 of Ord. dated 3/2/95).

#### **6.76.100 Certified designer requirements.**

(a) Any work associated with design of an on-site sewage system within Mason County shall be performed by a designer certified by the department, except nothing contained herein shall prohibit resident owners from designing an individual on-site sewage system when all the following conditions are met:

(1) The primary and repair system will be installed in an area with three feet vertical separation.

(2) The system is approved for design by a Level One designer, as described in "Mason County Design and Construction Standards for Sewage Systems."

(3) The person performing the work must own the residence served by the system under construction, repair or modification.

(4) The person performing the work must reside at the residence served by the system under construction, repair or modification.

(5) The person performing the work must satisfy all requirements of this chapter, including obtaining the necessary permit, following the appropriate construction standards and obtaining the required inspections from department personnel.

(6) The resident owner may not contract or hire a person or concern to perform any design work on his or her on-site sewage system unless that person is a designer certified in the manner set forth in this section.

(b) The requirements for designer certification shall include all of the following:

(1) Prior to issuance of a certificate to persons other than professional engineers licensed in the state of Washington, the director shall require written examination of the applicant's knowledge of sanitary system principles and the rules, regulations, laws and ordinances affecting the public health and safety with respect to on-site sewage systems.

(2) The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year, all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A designer's certificate shall not be transferable.

(3) Prior to the issuance of a designer's certificate, the applicant shall provide a current surety bond or equivalent, executed by a surety company authorized to do business in the state of Washington and approved as to form by the county prosecuting attorney, to the department in the sum of two thousand five hundred dollars for the use and benefit of all persons who may be injured or aggrieved by the wrongful act of such sewage designer.

(4) The designer shall demonstrate to the director a minimum annual attendance of four hours of classes dealing with subject matter related to application, design and construction of on-site systems. The four hours may be averaged over two consecutive years, and may be demonstrated to the director by certification of completion provided by the instructor or sponsor of said educational activity.

(5) Presentation to the director of evidence showing a minimum of one-year's experience working with a certified designer, or some other experience that can be demonstrated to the director as providing knowledge and skills equivalent to having worked with a certified designer for a minimum of one year.

(c) A designer's certificate may be suspended by the director or certified contractor review board for a period not to exceed thirty days for incompetency, negligence, misrepresentation, or for failure by the holder to comply with any other requirement of this regulation. Said suspension may be appealed by the holder of the certificate following the provisions of Section 6.76.150 of this chapter and will be held in abeyance pending resolution of the appeal.

(d) A designer's certificate shall be revoked by the certified contractor review board for a period not to exceed one year for serious or repeated violations of any of the requirements of this chapter, using the following procedure:

(1) The chair of the certified contractor review board shall notify the designer in writing, stating the reasons for which the designer's certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten days following service of such notice, unless a written request for hearing is filed with the department by the holder of the installer's certificate within the ten-day period.

(2) The director shall schedule a special hearing of an appeal by the designer with the certified contractor review board within thirty days of the request for hearing.

(3) The director may suspend the designer's certificate pending the hearing with the certified contractor's review board.

(4) Any designer whose certificate has been revoked will be required to take the written examination again before issuance of a new designer's certificate. (Res. 68-96 (part), 1996: § 10 of Ord. dated 3/2/95).

#### **6.76.110 Certified maintenance personnel requirements.**

The director shall develop and present to the board no later than June 1, 1995, certification requirements for certified maintenance personnel. (Res. 68-96 (part), 1996: § 11 of Ord. dated 3/2/95).

#### **6.76.120 Certified contractor review board.**

(a) The director shall establish and maintain a review board called the certified contractor review board.

(b) The review board shall meet a minimum of once each year to evaluate the performance of all certified Mason County certified designers and installers, to determine whether they have the capacity and proven record of performing their jobs in a manner that is acceptable for the protection of public health, to recommend to the director appropriate disciplinary action for contractors that do not meet

minimum performance standards, and to hold hearings and make determinations on appeals of decisions by the director pertaining to certified contractors.

(c) The review board shall act under bylaws adopted by the board. Copies of said document shall be kept on file and made available for public inspection at the department office. (Res. 68-96 (part), 1996: § 12 of Ord. dated 3/2/95).

#### **.76.130 On-site sewage advisory committee.**

(a) The director shall establish and maintain an advisory committee called the on-site sewage advisory committee.

(b) The advisory committee shall meet a minimum of once each year to evaluate department policies and procedures pertaining to the on-site sewage program, "Mason County Standards for the Design and Construction of On-Site Sewage Systems," and all relevant local ordinances and codes. The committee will present findings and make recommendations to the director and the board of health.

(c) The advisory committee shall act under bylaws adopted by the board. Copies of said document shall be kept on file and made available for public inspection at the department office. (Res. 68-96 (part), 1996: § 13 of Ord. dated 3/2/95).

#### **6.76.140 Enforcement.**

(a) It is unlawful to discharge sewage from any on-site sewage system, including septic tank wastes and greywater when water is plumbed to the house, to surface water or upon the surface of the ground.

(b) It is unlawful to use or maintain a malfunctioning sewage system. Upon the discovery of the existence of such a system, written notice of violation shall be given to the recorded owner and/or occupant of the premises. Upon failure to adequately repair and restore the sewage system to proper working order within the time frame stipulated on the written notice or thereafter amended, the premises may be vacated. Failure to so vacate shall constitute an additional violation.

(c) No person shall discharge waste products other than domestic sewage into onsite sewage systems, except where it has been adequately demonstrated to the director that the nondomestic waste discharge would be consistent with the system design, good sanitary waste treatment and disposal practice, and not cause a water quality violation or violate hazardous waste materials disposal law.

(d) No person shall use and maintain an on-site sewage system except in a manner that is appropriate to the design of the system.

(e) The director may condemn, according to law, any residence or other establishment which is accumulating or disposing of sewage in a manner contrary to the requirements of this chapter.

(f) Public Nuisance. All violations of this chapter are determined to be unlawful and declared to be detrimental to the public health, safety and welfare, and are public nuisances. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of this chapter shall be abated if provisions for their continuance made pursuant to this chapter are not satisfied.

(g) Civil Penalties. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates this chapter or by each act of commission or omission procures, aids or abets such violation, may be assessed a civil penalty not to exceed fifty dollars for each day of continuous violation to be directly assessed by the health officer until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent separate violations of the same regulation within any five-year period.

(h) Criminal Penalties. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person who violates this chapter or by each act of commission or omission procures, aids or abets such violation, shall, upon conviction, be guilty of a misdemeanor. For purposes of this chapter, each section violated shall constitute a separate and distinct offense, and each day's violation shall constitute a separate and distinct offense. Penalty, upon conviction, shall be

punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment. (Res. 68-96 (part), 1996: § 14 of Ord. dated 3/2/95).

#### **6.76.150 Appeals.**

- (a) Decisions of the director pertaining to the certification of pumpers, installers, designers and maintenance personnel may be appealed to the certified contractor review board.
- (b) All other decisions of the director may be appealed to the health officer. Appeals must be made in writing to the director within ten working days of the decision which is being disputed. A hearing date shall be scheduled with the health officer to be held within thirty days of said decision being appealed.
- (c) Determinations of the health officer may be appealed to the board. Appeals must be made in writing to the director within ten working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting.
- (d) Departmental orders and determinations shall be stayed for the period the appeal is pending, provided no surfacing sewage or public health hazard results from said stay.
- (e) Any variations from this chapter resulting in requirements less stringent than those found in Chapter 246-272 WAC shall have concurrence from the Washington State Department of Health.
- (f) Administrative hearings shall be conducted in accordance with Mason County office of environmental health variance and appeal procedure. Copies of said document shall be kept on file and made available for public inspection at the Mason County environmental health office. (Res. 68-96 (part), 1996: § 15 of Ord. dated 3/2/95).

#### **6.76.160 Variances.**

The board may issue variances from this chapter or portions thereof, provided the variance is consistent with the intent of this chapter, no public health hazard will result from said variance, and the variance will not violate the requirements of Chapter 246-272 WAC. Any variance from the requirements of Chapter 246-272 WAC must have prior written concurrence from the Washington State Department of Health. Administrative hearings shall be conducted in accordance with Mason County office of environmental health variance and appeal procedure. Copies of said document shall be kept on file and made available for public inspection at the Mason County environmental health office. (Res. 68-96 (part), 1996: § 16 of Ord. dated 3/2/95).