

**BREMERTON-KITSAP COUNTY BOARD OF HEALTH
ORDINANCE NO. 1995-14**

**RULES AND REGULATIONS FOR THE OPERATION & MAINTENANCE
ON-SITE SEWAGE TREATMENT SYSTEMS**

**BREMERTON-KITSAP COUNTY BOARD OF HEALTH
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**RULES AND REGULATIONS FOR THE OPERATION AND MAINTENANCE
OF ON-SITE SEWAGE SYSTEMS**

Rules and regulations requiring the maintenance of on-site sewage systems; designating the land owner responsible for maintenance and operations; requiring regular inspection and notification to the Health District of the inspection by the owner; requiring evidence of pumping of the septic tank or certification that pumping is not needed; providing for certification of those engaged in maintenance of on-site sewage systems; establishing certification and fees therefore; providing for the establishment of a certification program; and providing for enforcement and appeal.

SECTION 1: PURPOSE

The purpose of this regulation is to protect the public health and environment from potential adverse effects of sewage from failing on-site sewage systems. This regulation is intended to diminish the possibility of sewage system failures by requiring periodic owner maintenance and monitoring.

On-site sewage systems are necessary to serve dwellings and some non-residential buildings where sewer is not available. In recent years, technology has advanced to the level where modern on-site sewage systems can be expected to provide a high degree of treatment and public health protection as well as protection of the environment. However, maintenance and monitoring is a necessary provision in order to assure the continued proper operation of any on-site sewage system.

SECTION 2: SCOPE OF COVERAGE

These rules and regulations shall apply to all residences, places of business, or other buildings or places where persons congregate, reside, or are employed which are connected to on-site sewage systems.

SECTION 3: ADMINISTRATION

To protect the general public health and safety, the Health Officer is authorized to administer the regulations contained herein including Appendix "A" which is attached hereto and incorporated herein by reference.

SECTION 4: DEFINITIONS

"Areas of Special Concern" --- an area of definite boundaries delineated through public process, where a local Health Officer, or the Department in consultation with the Health Officer, 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.

"Alternative System" --- an on-site sewage system other than a conventional gravity system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"District" --- the Bremerton-Kitsap County Health District.

"Certification" --- a permit granted by the Health Officer permitting a person to practice in the field of sewage disposal as an installer, designer, on-site maintenance specialist, sludge hauler, or pumper, depending upon the respective certification requirements.

"Community Sewage System" --- any system of piping, treatment devices and/or other facilities serving more than one single family residence that convey, store, treat and/or dispose of sewage on-site or on adjacent or nearby property under the control of the users, where the system is not connected to a public sewer system and which is designed to serve less than 3,500 gallons of sewage per day.

"Continuing Education Unit (CEU) Credit" --- six hours of contact participation in an organized educational experience under qualified sponsorship, capable of direction and qualified instruction. To renew certification, one (1) CEU will be required on an annual basis. Courses must be approved by the Health Officer and be applicable for expanded

knowledge pertaining to on-site sewage treatment and disposal. A copy of the agenda or syllabus showing date, time, subject matter, presenter, sponsor and evidence of actual participation must be presented at the time of certification renewal. This evidence could be in the form of a receipt or a copy of the attendance roster of the training event.

“Conventional Gravity System” --- an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

“Conventional Pressure Distribution System” --- an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by the most recent version of the “Guidelines for Pressure Distribution Systems” by the Washington State Department of Health.

“Department”--- the Washington State Department of Health.

“Experimental System” --- any alternative system (does not include conventional systems):

1. Without design guidelines developed by the department; or
2. A proprietary device or method which has not yet been evaluated and approved by the department.

“Failure” --- a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include, but are not limited to:

1. Sewage on the surface of the ground;
2. Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
3. Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;
4. Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
5. Inadequately treated effluent contaminating ground water or surface water; or
6. Noncompliance with standards stipulated on the sewage permit.

“Industrial Wastewater” --- the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

“Interim Community Sewage System” --- community sewage system which is scheduled to be intercepted by a public sewer and abandoned within five (5) years of start of operation of the interim system, but shall be designed to operate on a permanent basis.

“Large On-Site Sewage System” (LOSS) --- any on-site sewage system with design flows at any common point greater than 3,500 gallons/day.

“O & M” --- operation and maintenance.

“On-Site Maintenance Specialist” --- a person certified by the District to perform operation, maintenance and monitoring of on-site sewage systems.

“On-Site Sewage System” (OSS) ---an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, or upon adjacent or nearby property, including piping, treatment devices, other accessories, and soil underlying the disposal component of the primary and reserve areas.

“OSS” --- an On-site Sewage System as defined in Chapter 246-272 WAC.

“On-Site Sewage System Treatment and Disposal Area”---- that area of the property where any part of the on-site sewage system or planned replacement area is located.

“Repair”---- restoration, by reconstruction, relocation or replacement of any portion of a failed on-site sewage system.

“Resident Owner”---- a person who constructs, remodels or repairs a dwelling occupied by him/her or intended to be occupied by him/her.

“Standard System” --- is a conventional gravity or effluent pump to gravity distribution system.

“STEP System”---- Septic Tank Effluent Pump Systems (STEP) are sewage systems where each building is provided with a water tight septic tank and pump chamber which pumps the septic tank effluent into a pressurized main sewer line for transmission to a disposal facility at a location off-site of the building(s) served.

SECTION 5: APPLICABILITY

A. Authority To Apply Regulations:

The Health Officer:

1. Shall apply these regulations to OSS treating wastewater and disposing of effluent from residential sewage sources; and
2. May apply these regulations to OSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.

B. Phased Implementation:

The Health Officer shall apply these regulations according to the following schedule:

1. January 1, 1995: All standard gravity septic systems and systems in “areas of special concern” as defined in WAC 246-272-15501 and Section 6.A. of this ordinance.
2. January 1, 1996: All new alternative systems, repairs of existing systems, and re-sale of homes that have an alternative system.
3. January 1, 1998: All alternative systems serving shoreline homes and homes that were granted waivers from meeting horizontal setback distances from septic systems to wells or surface water.
4. January 1, 2000: All pre-existing alternative systems.

SECTION 6: MAINTENANCE REQUIREMENT

The owner of an on-site sewage system is responsible for maintenance and operation of the system and shall maintain their on-site sewage system in accordance with the type of system as outlined below:

A. Standard Conventional Systems:

1. Determine the level of solids and scum in the septic tank at least once every three (3) years. Instructions for performing inspections are described in Appendix “A”.
2. Cause the contents of the septic tank to be pumped by a licensed pumper when said levels of solids and/or scum indicate that removal is necessary. Provide repairs to the tank and other components of the on-site system which are noted as necessary in the inspection report required by Section 6.A.3. below. (**Note:** Repair permits are required).
3. Submit report of said inspection to the District on forms provided by the District. The report may be completed by the homeowner or a certified pumper hired by the homeowner.

B. *Alternative Systems:*

1. Alternative systems vary in design and require a higher level of scheduled maintenance and monitoring. Generally resident owners are unfamiliar with O&M requirements and therefore alternative system owners must have an O&M contract signed by a certified On-Site Maintenance Specialist prior to final approval of the sewage system or within (30) days of occupancy.
2. Specific alternative system O&M requirements will be a condition of sewage permit approval.

C. *STEP Systems:*

STEP systems will be maintained in accordance with standards of the entity providing sewage disposal, i.e., sewer district. Generally the septic tank of a STEP system will need pumping when sludge and/or scum levels exceed recommended Department standards.

D. *Experimental Systems:*

Experimental systems are generally permitted with conditions that require monitoring to ascertain the operating performance and future O&M requirements. Therefore, O&M requirements will be determined on an individual basis for experimental systems.

E. *Community On-Site Sewage System:*

Community sewage systems must be maintained according to a District approved design, O&M schedule or according to specific sewage permit requirements.

F. *Commercial Systems:*

While on-site sewage systems are intended for domestic waste water treatment, some buildings housing commercial businesses, such as restaurants and industrial parks, may be unintentionally impacted by disposal of non-domestic waste water and must be designed and monitored to prevent potential ground water contamination in the following manner:

1. **Restaurants:** A pre-treatment device will be required to lower waste strength to household levels. Pre-treatment devices and grease traps must be maintained by a certified On-Site Maintenance Specialist to avoid discharge of grease into the treatment components. Restaurants require annual inspections of OSS as required by WAC 246-272-15501.
2. **Industrial Parks:** No industrial wastewater shall be generated and discharged into an on-site system by any tenant within an industrial park. Tenants must meet all requirements specified in the Health District on-site sewage ordinance.

SECTION 7: ON-SITE SEWAGE SYSTEM MAINTENANCE SPECIALIST CERTIFICATION

A. *Qualifications For Performing O&M:*

1. It shall be unlawful to engage in the business of performing maintenance and monitoring of on-site sewage systems without possessing a certification, as set forth in this section.

B. Application:

1. **Examination:** Application for a On-Site Maintenance Specialist certification shall be made to the District. The applicant shall submit to a written and/or oral examination on design regulations and standards and obtain a score of 70% or higher.
2. **Contractors License Required:** A Washington State contractors license is required prior to certification approval.
3. **Bonding:** Prior to the issuance of certification by the District, a good and sufficient bond running to the Bremerton-Kitsap County Health District on a form approved by the District in the sum of \$4,000.00 dollars or an amount required by the Department of Labor and Industry, and executed by a surety company duly authorized to act as a surety business in the State of Washington must be posted guaranteeing the faithful compliance with all rules, regulations and ordinances relating to sewage system operation, maintenance and monitoring. Any person who may be damaged by the failure of the registrant to comply with all applicable rules, regulations and ordinances shall, in addition to other legal remedies, have the right of action in his/her own name for damages not exceeding the face of the bond. The bond shall also be conditioned by the total liability of the surety thereunder for all causes of action arising during the period for which the bond is given; said liability shall not exceed the sum of \$4,000.00 dollars.
4. **Insurance:** Insurance shall be maintained in full force and effect and shall include the Bremerton-Kitsap County Health District named as an additional insured.

C. Renewal Of Certification:

1. **CEU Requirements:** To renew certification, one (1) continuing Education Unit (CEU) will be required on an annual basis. See definition of CEU.
2. **Expiration Date:** An On-Site Maintenance Specialist certification shall be valid for the year in which it is issued and shall expire June 30 of each year. All certifications shall expire on the 30th day of June of each year and the certification shall be issued only for the unexpired portion of the fiscal year in which the application is made. On June 30th of each year, all certifications, unless renewed, shall become void and of no effect. To renew certification, the On-Site Maintenance Specialist must:
 - a) Pay the required fee specified in the Board of Health fee schedule.
 - b) Provide proof of bonding and insurance.
 - c) Provide a copy of current Contractor's License, with On-Ssite Maintenance Specialist's name on license issued by Department of Labor and Industries, State of Washington.
 - d) Provide accepted evidence of one (1) CEU credit (see definition in Section 4).
 - e) Be in good standing with the Health District.
3. **Recertification:** A renewal of an On-Site Maintenance Specialist certification will be issued by the District when all of the items listed in Section 7.C.2. have been satisfied within the thirty 30 day grace period allowed. After the renewal date, the current certification shall become void and of no effect. To become certified again, the applicant must comply with all requirements of this section, including passing the written and/or oral examination.

D. *Administrative Conference / Revocation Hearing:*

1. An On-Site Maintenance Specialist may be summoned to attend an administrative conference or a hearing for the purpose of answering to charges of incompetence, negligence, misrepresentation, or failure to comply with these regulations or other regulations adopted pursuant to these rules and Chapter 246-272 WAC..

E. *On-Site Maintenance Specialist Warranty:*

1. As a condition of engaging in the business of performing operation, maintenance and monitoring of on-site sewage systems within the jurisdiction of the District, an On-Site Maintenance Specialist shall warrant that they have performed the minimum maintenance and monitoring required for that system by visiting the site and submitting all required documents to the owner and the District.

F. *On-site Maintenance Specialist Notification Requirements:*

1. The On-Site Maintenance Specialist must notify the District upon discovery of the following conditions in the specified time limit:
 - a) System failure: Notify owner and District within seven (7) working days.
 - b) Contract for operation, maintenance and monitoring is expired and not renewed or the contract is released: Notify the District within 30 days.
 - c) Change of owner: Notify the District within 30 days.

G. *On-Site Maintenance Specialist Record Keeping:*

1. The On-site Maintenance Specialist will submit the required records of monitoring events to the District. Records shall be submitted annually, on forms accompanied by fees required by the District.

SECTION 8: ON-SITE MANAGEMENT OF LARGER ON-SITE SYSTEMS

A. *Entity Required For Management Of LOSS:*

1. Management of larger on-site systems (LOSS) or Interim Community Sewage Systems shall be provided by an entity approved by the Health Officer. Generally, management will be guaranteed by a public entity eligible under Washington state statutes or a firm having sufficient financial resources to manage the LOSS. The type of entity required and the degree of management shall be commensurate with the complexity of the system and the site conditions.

B. *Type Of Entity Required:*

1. A management entity shall consist of one of the following:
 - a) For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity; or
 - b) For other uses, including single ownership, a public entity or a private entity via an appropriate contract or agreement provides management.

C. Management Plan:

1. The management entity shall submit a plan for approval to the appropriate agency (Department of Ecology, Department of Health or the District) depending on the size of the system, which shall include, but not be limited to, the following:
 - a) Duties of management, including operation and maintenance responsibilities.
 - b) Methods to ensure the continuity and permanency of management's responsibilities.
 - c) Controls to ensure the continuity and permanency of proper operation and maintenance.
 - d) Methods and frequency of monitoring, record keeping, and reporting to the Health Officer.
 - e) Rights and responsibilities of management.
 - f) Rights and responsibilities of persons purchasing connections to the LOSS.
 - g) Complete plans and specifications of the LOSS.
 - h) A draft operation and maintenance manual, describing the LOSS and outlining routine maintenance procedures for proper operation of the system.
 - i) Persons desiring to repair, modify or expand a facility served, or to be served by a LOSS shall submit all documents and fees specified under subsections C.1. through C.8. of this section to the appropriate agency as specified in Section 8.C. above, unless waived by the agency in charge, and obtain approval from the same agency.

D. Responsibility of Kitsap PUD #1:

1. The Kitsap PUD # 1 will oversee the maintenance and operation of community OSS systems for new subdivisions in areas outside sewer boundaries. In some instances, new subdivisions requiring individual alternative systems, due to marginal soil types, will be served by the PUD where agreement between the developer and the PUD occurs.

E. Responsibility of Kitsap County Department of Public Works:

1. The Kitsap County Department of Public Works will oversee the maintenance and operation of community systems within the county's sewer boundaries.

SECTION 9: ENFORCEMENT

A. Agency Responsible For Enforcement:

1. Enforcement shall be provided under the provisions of the Bremerton-Kitsap County Board of Health Ordinance 1992-15.

B. Other Legal or Equitable Relief:

1. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any act or practice or abate any condition which constitutes or will constitute a violation of these regulations, or those adopted under them.

C. *Appeal of Health District Action-Health Officer Administrative Hearing:*

1. Any person aggrieved by the contents of a notice of violation, any portion of Bremerton-Kitsap County Board of Health regulations or by any inspection, or enforcement action conducted by the Health District may request, in writing, a hearing before the Health Officer or designee. Such request shall be presented to the Health Officer within ten (10) days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five (5) days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time and date of such hearing, which shall be set at a mutually convenient time not less than five (5) working days nor more than fifteen (15) working days from the date the request was received.

D. *Appeal from Administrative Hearing:*

1. Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Bremerton-Kitsap County Board of Health. Such notice of appeal shall be in writing and presented to the Health Officer within five (5) calendar days of service of the findings and actions from the administrative hearing.
 - a) Stay of Action: Notice of appeal shall operate as a stay of the required action pending outcome of the Board of Health hearing except in those cases where the Health Officer determines that failure to take the required action constitutes an imminent health hazard. If a stay is not granted, the Health Officer shall so notify the appellant, in writing, at the time of notification of the hearing date and time. The Health Officer must set forth, in writing, the reasons why a stay is denied.
 - b) Hearing Date: Upon receipt of an appeal pursuant to this section, the Health Officer shall set a time and place for the requested hearing before the Board of Health and shall give the appellant written notice thereof. The hearing shall be commenced within thirty (30) days of the Health Officer's receipt of the appeal.

E. *Judicial Review:*

1. All decisions of the Board of Health shall be final unless review is sought by filing an action in any court of competent jurisdiction, as provided by the laws of this State.

SECTION 10: APPEAL.

A. *Appeal Procedure*

1. **Appeal of Health District action-Health Officer Administrative hearing.** Any person aggrieved by the contents of a notice of violation, any portion of Bremerton-Kitsap County Board of Health regulations or by any inspection or Health regulations or by any inspection or enforcement action conducted by the Health District may request, in writing, a hearing before the Health Officer or designee. Such request shall be presented to the Health Officer within ten (10) days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five (5) days. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time and date of such hearing, which shall be set at a mutually convenient time not less than five (5) working days nor more than fifteen (15) working days from the date the request was received.

2. **Appeal from administrative hearing.** Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Board of Health. Such notice of appeal shall be in writing and presented to the Health Officer within five (5) calendar days of service of the findings and actions from the administrative hearing.
 - a) **Stay of Action.** Notice of appeal shall operate as a stay of the required action pending outcome of the Board of Health hearing except in those cases where the Health Officer determines that failure to take the required action constitutes an imminent health hazard. If a stay is not granted, the Health Officer shall so notify the appellant, in writing, at the time of notification of the hearing date and time. The Health Officer must set forth, in writing, the reasons why a stay is denied.
 - b) **Hearing Date.** Upon receipt of an appeal pursuant to this section the Health Officer shall set a time and place for the requested hearing before the Board of Health and shall give the appellant written notice thereof. The hearing shall be commenced within thirty (30) days of the health officer's receipt of the appeal.
3. **Judicial Review.** All decisions of the Board of Health shall be final unless review is sought by filing an action in any court of competent jurisdiction, as provided by the laws of this State.

SECTION 11: SEVERABILITY.

Should any section, paragraph, phrase, sentence or clause of these regulations be declared invalid or unconstitutional for any reason, the remainder of these regulations shall not be affected thereby.

SECTION 12: EFFECTIVE DATE

The effective date of these regulations shall be January 1, 1996.

KITSAP COUNTY HEALTH DISTRICT

MINIMUM CONSTRUCTION & COMPONENT REQUIREMENTS FOR OPERATION & MAINTENANCE ACCESSIBILITY

1. Control panel with programmable timer and counter, and alarm.
2. Riser on pump tank (sealed and watertight) with firmly secured lid, i.e., hex bolts or locking devise (a 100 gal. liquid capacity pump tank is required for surges of use).
3. Screw caps at ends of laterals.
4. Clean outs brought up to finished grade or enclosed within riser. Maximum angle permitted is 90 degrees (should be 2 – 45 degree fittings).
5. Orifice holes must be faced at 12 o'clock position (may have end hole facing down for drainage).
6. Orifice shields required or cover with length of larger diameter pipe cut lengthwise.
7. Ball or gate valves on laterals near manifold if installed on a slope.
8. When a pressure drainfield is installed on a slope downslope from the septic tank:
 - A. Install dosing tank (pump tank) below drainfield and have the pump line enter the manifold from the bottom. If this pump location would not allow for inspection and/or service of the tank, the pump tank will be placed upslope of the drainfield next to the septic tank.
 - B. Construct/install anti-siphon devise in pump tank to avoid siphoning downslope to drainfield area, and install;
 - C. Pressure/valved manifold (located at top of drainfield) used with a separate line to each lateral – one product is called a hydrosplitter, or;
 - D. Hydroteck valve (mechanical ratchet) or;
 - E. Some other device that assures equal distribution of all laterals and keeps the bottom lateral from being overloaded.
9. Check valves on manifold between laterals if installed on a slope, to prevent effluent from running to bottom lateral and overloading the bottom lateral.
10. Valves must be Schedule 40 or greater.
11. Valves accessible within riser.
12. All piping must be a minimum of Class 200 (laterals, manifold and transport pipe).
13. Septic tank filter required, unless followed by a dosing (pump) tank where a screened vault filter surrounding the pump will be required (**Note:** maximum pump capacity when using a screened vault is gal./min.). It will be recommended to have both filters.
14. Minimum number of doses/day will be set for six (set on control panel).
15. Riser on septic tank (sealed and water tight) with firmly secured lid, i.e. hex bolts or locking devise and a riser above septic tank filter (if used) will be required.
16. Observation ports installed.

Pressure Systems (when pump tank is installed below drainfield):

1, 2, 3, 4, 5, 6, 7, 8A, 9, 10, 11, 12, 13, 14, 15, 16

Pressure Systems (when pump tank is installed above drainfield):

1, 2, 3, 4, 5, 6, 7, 8A, 8(B, C, D, or E), 9, 10, 11, 12, 13, 14, 15, 16

Sand Filter:

1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 15, 16

15. Minimum number of doses/day will be set for twelve (12).

16. Observation ports:

- a. Installed in sand filter at gravel and sand interface.
- b. Installed in drainfield within ten (10) ft of the end of each line.

Pressure Mounds (when pump tank is installed below mound):

1, 2, 3, 4, 5, 6, 7, 8A, 10, 11, 12, 13, 14, 15,

16. Observation ports: Installed in middle of mound at a) the depth of the mound and original ground interface and, b) at gravel and sand interface.

Pressure Mounds on a slope (when pump tank is installed above mound on slope):

1, 2, 3, 4, 5, 6, 7, 8B, 8(C, D, or E), 10, 11, 12, 13, 14, 15,

16. Observation ports: Installed in middle of mound, a) at the depth of the mound and the original ground interface and, b) at gravel and sand interface.