

# **ASOTIN COUNTY ON-SITE SEWAGE SYSTEM CODE**

## Sections:

- 010 Title.**
- 020 Purpose and authority.**
- 030 Administration.**
- 040 Definitions.**
- 050 Local management and regulation.**
- 060 Applicability.**
- 070 Connection/reconnection requirements.**
- 080 Location.**
- 090 Soil and site evaluation.**
- 100 Design requirements – General.**
- 110 Design requirements – Septic tank sizing.**
- 120 Design requirements – Soil dispersal components.**
- 130 Installation.**
- 140 Inspection.**
- 150 Record drawings.**
- 160 Owner responsibilities – Operation, monitoring and maintenance.**
- 170 Operation, monitoring and maintenance – Food service and other Asotin County Health District permitted establishments.**
- 180 Repair of failures.**
- 190 Developments, subdivisions, and minimum land area.**
- 200 Licensing of installers, pumpers, and maintenance service providers.**
- 210 Waiver of regulations.**
- 220 Enforcement.**
- 230 Board of Health appeal.**
- 240 Severability.**
- 250 Fees.**
- 260 Right of entry.**

### **010 Title.**

This chapter shall be called the “Asotin County On-Site Sewage System Code.”

### **020 Purpose and authority.**

The purposes of this chapter are as follows:

- A. To promote and protect the public health, safety and general welfare;
- B. Achieve effective long term sewage treatment and effluent dispersal;
- C. To ensure that on-site sewage systems adequately support complete build out of subdivision lots, safeguard aquatic habitat, and protect waters of the state.

Pursuant to the authority of the local Board of Health as authorized by Chapter [70.05](#) RCW, these regulations are hereby established as minimum requirements of Asotin County governing on-site sewage disposal systems.

### **030 Administration.**

The local Board of Health does hereby adopt as minimum requirements the rules and regulations set forth in Chapter [WAC 246-272A](#) as now codified or hereafter amended. Where the provisions of Chapter [WAC 246-272A](#) and the amendments of this chapter conflict, the more stringent regulation shall apply.

The local Health Officer through their designee shall administer this chapter under the authority and requirements of Chapters [43.70](#), [70.05](#), [70.08](#), [70.46](#), and [70.118](#) RCW and Chapter [WAC 246-272A](#), as now written or as these may be hereafter amended or replaced. This chapter supplements these statutes and rules.

The local Board of Health adopts in its entirety as rule and regulation of Asotin County all “Washington State Department of Health Recommended Standards and Guidance” and “Approved On-Site Products in the State of Washington” as currently written or hereafter amended, subject to the waiver process of this chapter.

As the administrator of this chapter, the local Health Officer requires all applications under this chapter shall be submitted to the Asotin County Environmental Health Division, that processing of said applications shall be pursuant to this chapter; and under the direction and supervision of the local Health Officer, the Administrator of the District or his/her designee shall administer the provisions of this chapter. The Administrator shall prepare any forms necessary to administer the provisions of this chapter.

#### **040 Definitions.**

A. In addition to those contained in Chapter [WAC 246-272A](#), for the purpose of this chapter, the following definitions shall also apply:

“ASTM” means the American Society for Testing and Materials, which is an international standards developing organization that develops and publishes technical standards for a wide range of materials, products, systems, and services.

“ACC” means Asotin County Code.

“Chapter” means the Asotin County Code chapter regulating on-site sewage disposal and treatment.

“Connections” means a new SFD connecting to an unused on-site sewage system that has been installed for a period greater than two years.

“Continuing Education Unit” (or “CEU”) means six contact hours of participation annually in an organized technical educational experience, under responsible sponsorship, capable direction and qualified instruction acceptable to the District pertaining to on-site sewage treatment and disposal.

“District,” if not specified otherwise, means the Asotin County Health District.

“Designer” means a licensed Washington professional engineer or on-site wastewater treatment system designer licensed by the Washington State Department of Licensing.

“DOH” means the Washington State Department of Health.

“DOL” means Washington State Department of Licensing.

“Equal gravity drainfield” means an on-site sewage system that utilizes a distribution box to divide wastewater evenly to multiple independent trenches on zero slope or sloped sites.

“Failure” means 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, septic system component other than the drainfield, or collection system;
4. Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
5. Inadequately treated effluent contaminating groundwater or surface water, as demonstrated through: (a) a positive tracing dye result; or (b) a coliform count of at least 500 organisms per 100 ml of water; or (c) the presence of the disposal component of the on-site sewage system located in groundwater;
6. Noncompliance with conditions stipulated on the on-site sewage system permit; or
7. May include any system not permitted for installation by the District

“GPD” means Gallons Per Day.

“Health Officer” means the Health Officer of Asotin County or his/her designee.

“Installer” means a septic installer, or their certified employee, licensed under the Asotin County Health District. Note: Homeowners may install certain types of OSS in certain situations.

“Loop gravity drainfield” means an on-site sewage system that utilizes a single trench that is looped or connected together.

“LOSS” means large on-site sewage systems, a septic system with daily design flows of 3,500 gallons per day or greater. Large on-site sewage systems are regulated by the Washington State Department of Health or the Washington State Department of Ecology.

“O&M” means the operation and maintenance of an on-site sewage system performed by a licensed or certified septic system O&M provider or a resident homeowner as provided under Asotin County Health District.

“OSS” means an on-site sewage system as defined in state code.

“Permitted” means an OSS that was issued an installation permit and a final approval by the county. Systems that have been found to have been installed according to the installation permit but are lacking final approval may be considered permitted; provided, that the health of the public and the environment are protected.

“Proprietary product” has the meaning given in Chapter [WAC 246-272A](#), or as hereafter amended: “means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.”

“Pumper” means a septic pump truck operator licensed or certified under Asotin County Health District.

“Reconnection” means a new SFD connecting to an existing on-site sewage system that has been previously connected to a SFD.

“Record drawing” has the meaning given in Chapter [WAC 246-272A](#) and also replaces any document formerly referred to as “as-built.”

“Septic system O&M provider” means a person licensed under Asotin County Health District, or their certified employee, to evaluate the condition and functioning of the components of an OSS.

“Serial gravity drainfield” means an on-site sewage system that is multiple, serially connected trenches built on a sloping site and used in sequence from the highest to the lowest trenches. Effluent must completely flood the higher elevation trench before effluent will move to the next successive trench via relief lines or drop boxes.

“SFD” means a Single-Family Dwelling.

“Soil Log” means a detailed description of soil characteristics providing information on the soil’s capacity to act as an acceptable treatment and dispersal medium for sewage.

B. Wherever consistent with the content of this chapter, words in the present, past, or future tenses shall be construed to be interchangeable with each other, and words in the singular number shall be construed to include the plural.

#### **050 Local management and regulation.**

Under the authority of the local Health Officer, the District may organize a local Technical Review Committee to identify areas of special concern where OSS could pose an increased public health risk. The following areas will be given priority in this activity:

A. Designed wellhead protection areas for Group A and B water systems as defined by [WAC 246-290](#) & [WAC 246-291](#).

B. Areas where nitrogen has been designated as a contaminant of concern.

C. Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and/or as designated under the Washington State Growth Management Act, Chapter [36.70A](#) RCW.

D. Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, Chapter [36.70A](#) RCW, are critically impacted by recharge.

E. Areas with seasonally high groundwater.

F. Areas with Type 1 soil as defined by [WAC 246-272A](#)-0220 Table V.

#### **060 Applicability.**

A. A valid sewage system design approval for a new system yet to be installed prior to the effective date of these regulations:

1. Shall be acted upon in accordance with regulations in force at the time of issuance;

2. Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond the date these regulations are put in force, whichever assures the most lenient expiration date; and

3. May be modified to include additional requirements if the District determines that a threat to public health and/or the environment exists.

B. For structures requiring OSS, the District shall ensure:

1. That building permits are not issued until an OSS design is approved by the District; and

2. That final occupancy is not granted until final approval has been given for the OSS by the District.

C. An installation permit shall be valid for one year from the date of issue.

D. When an installation permit expires, a new permit must be applied for and fees paid prior to installation.

E. All applications for design review will be good for 12 months from the date of application, except:

1. Applications requiring a winter water test will be given an additional 12 months.

2. Designs requiring revision will be given 30 additional days per revision to a maximum of 90 additional days.

F. Where people congregate there shall be a means of sewage disposal approved by the District. This shall include all recreational sites, concert events, churches, social clubs, shooting ranges or clubs, temporary campgrounds, all work and construction sites in which three or more people are employed for more than three consecutive days, and all other places where toilet facilities are necessary to protect the public health. Portable toilets may only be used to satisfy the requirements for temporary events or locations. Where portable toilets are used, to satisfy these requirements, there must be sufficient capacity for the expected number of people, and hand washing/sanitizing must be available.

G. All places where people reside must have a means of sewage disposal acceptable to the District.

H. Any unit/facility with the potential to generate wastewater by virtue of being equipped with a toilet, sink, shower or other plumbing fixture shall be connected to an approved public sewer or shall be connected to an on-site sewage system acceptable to the District.

I. Parcels that have total combined design flows of 3,500 GPD or more must be designed as a large on-site sewage system ("LOSS").

J. Parcels with multiple systems that cumulatively total 3,500 GPD or more must design their systems as LOSS.

K. Recreational facilities that have a proposed total daily design flow of 3,500 GPD or greater, for the project, must have their systems designed as LOSS.

L. New OSS designs for lots in the process of being created through subdivision will not be approved until the subdivision process is complete except:

1. One OSS may be approved on a parent parcel undergoing subdivision if there is currently no other OSS on that parent parcel; and
2. Repairs and replacements may be made to existing OSS on parcels undergoing subdivision.

#### **070 Connection/reconnection requirements.**

A. To connect to a permitted OSS installed after January 1, 2004, the following must be provided to the District:

1. A passing operations and maintenance inspection report from a professional O&M provider, licensed under Asotin County Health District, including:
  - a. Proof that the reserve area is designated and protected; and
  - b. Pump receipt, if pumping of the tank was shown to be necessary.
2. An O&M notice recorded with the Auditor's Office and a current contract on file with the District, if applicable.

B. To connect to an OSS documented by the District before January 1, 2004:

1. Contact a State of Washington licensed on-site designer or professional engineer to do the following:
  - a. Inspect the OSS and evaluate functionality; and
  - b. Submit the evaluation report to the District for review and approval prior to use.
2. An O&M notice shall be recorded with the Auditor's Office and have a current contract on file with the District, if applicable.
3. O&M frequency shall match Asotin County Health District standards unless more frequent inspections due to age, condition, or environmental risks are deemed necessary by the District.
4. A reserve area is designated and protected, with two documented soil evaluations less than 10 years old in or immediately adjacent to the area.

C. When the new dwelling exceeds the original flow and/or original waste strength of the existing permitted OSS:

1. A design from a State of Washington licensed on-site designer or professional engineer that addresses the flow change and/or increased waste strength that meets current code is required; and
2. An O&M notice shall be recorded with the Auditor's Office and have a current contract on file with the District, if applicable.

D. Unpermitted OSS or OSS not documented by the District must have:

1. A design from a State of Washington licensed on-site designer or professional engineer meeting the design submittal criteria of the current code and an O&M notice recorded with the Auditor's Office and a current contract on file with the District, if applicable. and;
2. A permit for an OSS meeting current code must be issued prior to building permit issuance.

## 080 Location.

Justification for reducing setback to an individual well, individual spring, or surface water not used as a public water source from a minimum of 100 feet to a minimum of 75 feet shall be provided by the designer using the justifications described in [WAC 246-272A-0210](#)(4).

## 090 Soil and site evaluation.

All septic designs are subject to a pre-design approval visit by the District. All OSS design submissions for new construction, [WAC 246-272A](#) Table IX repair, and/or alterations require the following:

- A. A complete OSS application submitted to the District;
- B. Reserve and primary area to be clearly staked and labeled where applicable;
- C. Wellhead or proposed well location clearly marked if less than 200 feet from proposed primary or reserve drainfield;
- D. OSS designs shall show a minimum of two soil logs in or immediately adjacent to the primary drainfield and two soil logs in or immediately adjacent to the reserve drainfield area;
- E. Winter water tests will be required for all sites with 18 inches or less of soil above a restrictive layer due to high water table, unless waived by the District;
- F. Soil and site evaluations will be valid for a period not to exceed ten years from the date of approval except:
  - 1. The original designer may reevaluate the site within eight years of the approval of the initial design;
  - 2. New test holes may be required when the original conditions of the site are not well documented or known or cannot be reasonably determined;

G. Soil probes and augers will not be allowed for the purpose of describing soils to meet design criteria; and

H. All test holes must be constructed in a manner to provide for the safety of the individuals entering them. Test holes must be constructed to meet the following minimum standards:

1. Test holes must be a minimum of 24 inches wide and have an access slope on one side with a slope of no more than 40 degrees.
2. Test holes deeper than four feet must have a bench constructed at four feet below ground surface.
3. Benches in test holes must be a minimum of 20 inches wide with zero or nominal slope.
4. Test holes may not exceed a depth of six feet unless permission is granted by the District.
5. In unstable soils, holes deeper than four feet must be shored or constructed in a manner that reasonably assures the safety of individuals entering therein.

#### **100 Design requirements – General.**

A. All OSS must be designed by a designer except:

1. Individuals, certified by the DOL as certified on-site wastewater treatment systems inspectors, may design an OSS for their own residence.
2. Homeowners may design systems for their own residence with explicit permission by ASOTIN COUNTY HEALTH DISTRICT

B. OSS design submittals shall utilize the forms and guidelines provided by the District.

C. For new designs, timed dosing shall be required for all pressure distribution drainfields except:

1. When pumping from an intermittent sand filter to the drainfield.

2. When pumping from an intermittent sand filter to a sand mound.

**110 Design requirements – Septic tank sizing.**

A. Septic tanks shall have an effluent filter installed in the outlet baffle except where a pump vault filter is used.

B. All tanks require liquid-tight, minimum 20-inch diameter, risers on every chamber of septic tanks and pump chambers with a secured lid extended to a level at or above final surface grade. Risers and riser lids shall not be constructed of concrete.

C. Risers shall be secured to tanks by the following methods:

1. Tanks with cast-in-place riser rings will have risers adhered with the manufacturer recommended adhesive.

2. Bolt-on riser rings may be used following manufacturer's recommendations.

3. Risers adhered directly to concrete tanks shall use the riser manufacturer's recommended adhesive.

4. Polyethylene and fiberglass tanks shall use tank manufacturer's risers and installation recommendations.

5. Spray polyurethane foam or mortar will not be permitted as a riser adhesive for any tanks.

D. Minimum tank sizes are:

1. One thousand gallons minimum capacity for any SFD up to, and including, four bedrooms; and

2. Two hundred fifty gallons additional capacity for each bedroom over four.

3. Where existing tanks are proposed to be reused they must meet the state standards in place at the time of reuse.

E. For pump chamber sizing, volume calculations are to be based upon the volume from the off position of the on/off float plus 175 percent of the daily designed flow.

#### **120 Design requirements – Soil dispersal components.**

A. There shall be a minimum of three feet, of undisturbed native soils, between trench sidewalls excluding subsurface drip systems.

1. Drainfields with the designated reserve area between trenches must have a minimum six-foot spacing sidewall to sidewall between trenches, or ten foot spacing between center of trenches.

B. Sand mound systems having a total of 36 inches of vertical separation (sand under the bed plus native soil to restrictive layer), but less than 24 inches of sand under the bed, shall be allowed for sites requiring treatment level C or lower with a minimum of 12 inches of sand under the bed.

C. Serial distribution drainfields shall be placed in a minimum of 12 inches of original, undisturbed soil measured on the downhill side of the trench.

D. Distribution boxes must:

1. Have access at grade;
2. Be set level on concrete, compacted soil, or native undisturbed soil;
3. Have a 90-degree turn down or a baffle on the inlet pipe if it falls directly across from a drainfield lateral outlet; and
4. Have adjustable weirs on distribution and drop box outlet pipes except for dosing gravity systems.

E. Individual trenches shall have observation ports on each distal end that provide visual access to the infiltrative surface.

#### **130 Installation.**

Installation of an OSS must be performed by an installer licensed by the Asotin County Health District, except:

A. Individuals, certified by the DOL as certified on-site wastewater treatment systems inspectors, may install an OSS for their own residence.

B. Homeowners, or their immediate family members, may install an OSS every two years for a home that they inhabit and/or intend to inhabit for at least two years after construction if they meet the following requirements:

1. Homeowners must successfully complete a test for competency administered by the District;
2. Homeowners must follow the approved design; and
3. Homeowners who utilize the help of any individual, who is not a licensed installer under Asotin County Health District, bear the responsibility to ensure the OSS is correctly installed.

C. Homeowner installers are responsible to ensure that the installation meets all state and county standards. When the system is not installed to these standards the homeowner installer may:

1. Be subject to enforcement under ACO [220](#);
2. Not be allowed to utilize the OSS until given final approval by the District; and
3. Not be given final approval until a licensed installer approves the installation.
  - a. All cost(s) for approval by an independent licensed installer will be borne by the homeowner.

D. Homeowners may only install OSS that do not include proprietary products, excluding gravelless distribution products.

#### **140 Inspection.**

For all activities requiring a permit:

A. After the final construction inspection, the designer shall submit to the District a record drawing and designer OSS certification;

Designer certification must include individual squirt heights for each lateral, measured drawdown, and timer settings if applicable.

B. Prior to final inspection, the designer shall provide to the District all documents required by the District in either of two ways:

1. Leave on site in a waterproof container agreed upon by ASOTIN COUNTY HEALTH DISTRICT and the installer; or
2. Submit to the District office.

C. The permit applicant shall consent to reasonable inspections by the District or other county agency, as a condition precedent to the issuance of any permit or authorization by the District.

D. The designer shall assure the OSS meets the standards of this chapter, or the conditions of any authorized waiver.

E. The installer and designer of the OSS shall be responsible to assure that the system meets the approved design and system location.

### **150 Record drawings.**

Record drawings for new construction, alterations, [WAC 246-272A](#) Table IX repairs, and connections to undocumented OSS systems must:

A. Be submitted to the District by a designer except:

1. Tank replacements may have record drawings submitted by licensed installers;
2. DOL certified on-site wastewater treatment systems inspectors may submit record drawings for OSS that they design or install;

B. Have a permanent landmark, such as a property corner, structure, wellhead, or geologic feature, not including trees, by which the OSS can be located at a future date;

C. Designate a north arrow;

- D. Include horizontal scale bars;
- E. Be submitted on a paper size determined by the District; and
- F. Be drawn in 1:10, 1:20, 1:30, 1:40, or 1:50 scale or as determined by the District.

**160 Owner responsibilities – Operation, monitoring and maintenance.**

A. An OSS owner is required to:

1. Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with regulations and any permits:

- a. At least once every three years for all systems consisting solely of a septic tank and a gravity SSAS or a pump to gravity SSAS;
- b. Annually for all other systems unless more frequent inspections are specified by the manufacturer or local Health Officer;

2. Participate in training approved by the county once available, if they wish to perform O&M on a system they own, except:

- a. Homeowners are not required to participate in training if the OSS consists of a septic tank and gravity SSAS or a pump to gravity SSAS;
- b. Homeowners must utilize the services of an O&M professional for systems containing proprietary products as defined in [WAC 246-272A-0010](#);

3. Obtain repairs or corrections for any problems identified during O&M inspections in an expedient manner;

4. Have a current O&M contract, with a licensed provider, when the OSS includes a proprietary product, excluding gravelless distribution products, as defined in [WAC 246-272A-0010](#).

B. At the time of property transfer, except for intra-family transfers, judicial or nonjudicial foreclosures, probate proceedings, or other judicially ordered transfers, an OSS owner is required to provide to the property buyer a current

operations and maintenance inspection report performed by an O&M professional, licensed under ACC [200](#).

C. The owner of every residence, business, or other place where persons congregate, reside or are employed that is served by an OSS, and each person with access to deposit materials in the OSS, shall use, operate, and maintain the system to eliminate the risk to the public associated with improperly treated sewage. Owners' duties are included, without limitation, in the following list:

1. Shall comply with the conditions stated on the on-site sewage permit if it exists;
2. Shall employ an approved pumper to remove the septage from the tank(s) when the level of solids and scum indicates that removal is necessary. The septic tank shall be pumped when the sludge accumulation is within 12 inches of the bottom of the outlet baffle or when the scum layer is within three inches of the bottom of the outlet baffle or the scum layer is within one inch of the top of the outlet baffle in either compartment or, when the total amount of solids, in either chamber, equals or exceeds one-third the volume of the chamber, whichever is most lenient. The pump and/or siphon chamber(s) shall be pumped when solids are observed;
3. Shall keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
4. Shall not deposit solid, hazardous waste, or chemicals other than household cleaners in the OSS;
5. Shall not deposit waste or other material that causes the effluent entering the drainfield to exceed the parameters of residential/household waste strength;
6. Shall not build any structure in the OSS area or reserve area without express written, prior consent of the District;
7. Shall neither place nor remove fill over the OSS or reserve area without express written, prior consent of the District;
8. Shall not pave or place other impervious cover over the OSS or reserve area;

9. Shall divert drains, such as footing or roof drains, away from the area of the OSS;
10. Should not dispose of excess food waste via a garbage disposal unless the OSS is specifically designed to accommodate such food waste (e.g. extra tankage);
11. Shall not drive, park or store vehicles or equipment over the drainfield or reserve area;
12. Shall not allow livestock access to the OSS area; and
13. Should not allow livestock access to the OSS reserve area.

D. Any person performing operations and maintenance inspections on OSS, for the purpose of property transfer or for a fee, must be licensed according to ACC [200](#).

E. All OSS which require professional O&M (e.g. pressurized systems) , prior to being given final approval of the District, are required to:

1. Have a current and valid O&M contract on file with the District; and
2. Record with the Asotin County Auditor's Office a notice of the requirement that an O&M contract is required, prior to final approval of the District.

F. O&M reports must be submitted on a form or in a manner approved by the District.

#### **170 Operation, monitoring and maintenance – Food service and other Asotin County Health District permitted establishments.**

The District requires the following:

- A. Annual O&M inspections of the OSS serving regulated establishments such as food service operations, camping facilities, mobile home parks, and RV parks.
- B. Review and approval of changes to the OSS, if inspections or plan reviews document the potential for quality or quantity changes to the establishment's sewage flow. Regulated establishments utilizing OSS shall submit information

to the District upon any change in ownership or of menu or operation to determine if it will affect sewage quantity or quality.

C. An evaluation by a designer for any changes determined by the District to have a potentially deleterious effect on the OSS.

D. The establishment to repair or replace their OSS, in an expedient manner, if any problems are found.

The local Health Officer:

1. Shall not issue a food permit to any new food establishment not meeting the standards of this code or current state code.
2. Shall not issue a food permit to any food establishment that has undergone a change of ownership that utilizes OSS, where the OSS is determined by the District to be inadequate.
3. Shall have cause not to renew a food permit to an existing food establishment which utilizes OSS if mandated annual inspection is not complete or OSS is determined to be inadequate by the District.

### **180 Repair of failures.**

In the event of a failed OSS, the following shall be required:

A. Septic tank replacements must meet all setback requirements of [WAC 246-272A-0210](#) Table IV unless otherwise permitted by the District.

B. All [WAC 246-272A](#) Table IX repairs on soils with less than 12 inches of vertical separation must meet treatment level A regardless of horizontal setbacks.

C. Before receiving final approval, all Table IX repairs require an O&M contract be in effect, and notice of required O&M recorded.

D. Semiannual reports are required for treatment level A Table IX repairs with no reserve area.

E. When an O&M provider or the District finds an OSS to be failing or in need of repair, the OSS owner must ensure that all necessary repairs or replacement of OSS are completed in an expedient manner.

F. All repairs for failure that do not meet current requirements of this chapter shall have an ASOTIN COUNTY HEALTH DISTRICT notice recorded with the Asotin County Auditor that an O&M contract is required and a current homeowner O&M contract on file with the District; except gravity distribution systems and pump to gravity systems do not require a contract on file.

#### **190 Developments, subdivisions, and minimum land area.**

A. Approval of a subdivision, that will utilize OSS, will require at least two soil logs/evaluations per proposed lot. The determination of the minimum lot size or minimum land area required for the proposed lot(s) within the development shall use Method I and Table X of Chapter [WAC 246-272A](#) or current code

1. Method II will not be allowed for creation of a new lot.

B. Existing legal lots of record that are less than 12,500 square feet and are not a repair or replacement of an existing system shall not be permitted to install a new OSS system unless all of the following are met:

1. Lot is greater than 200 feet from a public sewer system or LOSS;
2. Lot is on a public water supply or the designer can show that a well can fit within the lot meeting all setbacks or the lot is using a shared well on another property;
3. The proposed OSS system meets at minimum treatment level B as defined by [WAC 246-272A](#), with no reduction in drainfield and reserve area;
4. A primary and reserve area are set aside;
5. Prior to final approval, a notice is filed with the Asotin County Auditor indicating that an O&M contract is required;
6. An O&M contract is on file with the District; and
7. A current O&M contract is maintained.

C. Lot(s) within a proposed subdivision that will utilize an OSS must show the ability to support an OSS primary and reserve area on each proposed lot.

D. For each lot of all subdivisions proposing to use OSS, a soil and site evaluation are required.

**200 Licensing of installers, pumpers, and maintenance service providers.**

A. Septic work done by persons who are not licensed according to this section is strictly prohibited; except for homeowners meeting the requirements of ACC [130](#).

B. The Health District will not permit, inspect, or give final approval to any septic installations or repairs performed by anyone who is not licensed according to this section, except:

1. Homeowners may install their own OSS if they meet the conditions of ACC [130](#); and/or
2. Individuals, certified by the DOL as certified on-site wastewater treatment systems inspectors, for their residence.

C. The District will not accept pump receipts from any unlicensed individuals. Pump receipts are only acceptable from pumpers licensed according to this section.

D. It shall be unlawful to dispose of septic tank pumpings or other accumulated sewage at other than designated disposal sites approved by the District.

E. Inspections of existing OSS may only be performed by licensed O&M providers and resident homeowners according to the provisions of ACC [160](#).

F. O&M may only be performed by individuals properly licensed or certified under these regulations and by resident homeowners according to the provisions of ACC [160](#).

G. Installers, septic pumpers, and O&M providers must meet the following:

1. OSS Installer.

- a. It shall be unlawful for an individual to engage in the activity of installing OSS without first having been issued a septic system installer's license under this section; except as allowed in ACC [130](#).
- b. Application for an installer's license shall be made on forms provided by the District.
- c. Application fees shall be paid at the time of application.
- d. The District shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.
- e. The applicant may take the test only twice in any 90-day period.
- f. Licenses are good for one year and expire as indicated by the District.
- g. Fees are not prorated.
- h. The applicant shall apply for permit renewal on forms provided by the District.
- i. The issuance of the original license and each license renewal shall require a completed application on a form furnished by the District and payment of the prescribed fee.
- j. An installer's license is not transferable.
- k. Any person having been issued an installer's license is required to notify the District in writing within 30 days of any change in their business address and/or mailing address.
- l. The actual person licensed, or an employee certified by the District, must be on site at all times when construction of the OSS is taking place.

m. Employees of a licensed installer may be certified by the District to supervise OSS construction in place of the licensed installer under the following conditions:

i. The licensed installer must indicate, to the District, each employee that is to be certified.

ii. Application for certification shall be made on forms provided by the District.

iii. Application fees shall be paid at the time of application.

iv. The District shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a certification.

v. The applicant may take the test only twice in any 90-day period.

vi. Certifications are good for one year and expire as indicated by the District.

vii. Fees are not prorated.

viii. The applicant shall apply for renewal on forms provided by the District.

ix. The original certification and each renewal shall require a completed application on a form furnished by the District and payment of the prescribed fee.

x. A certification is not transferable between companies or individuals.

xi. Certified individuals must also meet the CEU requirements for licensed individuals.

n. Licenses shall not be issued or renewed if the applicant is found by the District to be in violation of the provisions of this chapter.

o. Prior to the issuance of a sewage system installer's license, the applicant must be in possession of a bond obtained in accordance with the special or general contractors laws of the State of Washington and provide proof of business liability insurance in the minimum amount of \$500,000.

p. Every installer is required to obtain at least six hours of approved classroom training time (one CEU) every year.

i. Subject matter of the continuing education must be directly related to on-site sewage disposal and be acceptable to the District.

ii. Proof of attendance at the continuing education must be submitted to the District prior to the renewal of license.

iii. CEU earned for one license, or certification, may be applied to another license, or certification, for the same person within the District relating to OSS.

q. The District may fine, suspend, or revoke the license of an installer if there has been a finding of incompetence, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules, and regulations.

i. The installation of a sewage disposal system for which a permit has not been obtained shall be cause for suspension, fine, or revocation of an installer's license.

ii. An installer whose license has been revoked shall be ineligible to reapply for relicensure until 60 days have passed from the date of revocation of the license.

iii. Any installer, whose license is suspended or revoked, will be required to retake the county test before their license will be reinstated.

r. All records pertaining to OSS must be kept, by the installer, for a period of not less than five years.

s. For proprietary products, licensed installers must show training specific to the product, and/or meet the product patent holder's

specifications, before being authorized by the District as an installer for that product.

## 2. Septic Tank Pumpers.

a. It shall be unlawful for any person, firm, or corporation to engage in the activity of cleaning any septic tank, seepage pit, or chemical toilet, or removing other accumulations of sewage, without first having obtained a septic tank pumper's license from the District.

b. The original license and each renewal shall require a completed application on a form furnished by the District and payment of the prescribed fee.

c. License shall not be issued or renewed if the applicant is found by the District to be in current violation of any provisions of this chapter.

d. A septic tank pumper's license is not transferable.

e. Licenses are good for one year and expire as determined by the District.

f. Any person having been issued a pumper's license is required to notify the District in writing within 30 days of any change in their business address and/or mailing address.

g. Each pumper shall submit to the District, not later than the twentieth day of each month, a report on a form, or in a manner, provided by the District. Said report shall contain the dates, sources, disposal site, volume, and any additional information required by the District of each load of wastes handled from the preceding calendar month.

h. Pumping equipment must be presented to the District for inspection at least yearly.

i. The pump tank must be of at least 1,000 gallons in capacity and must be in good repair and of cleanable construction, except where only the contents of chemical toilets are to be pumped and disposed of, where no water carrying household or commercial sewage is involved, a pump tank size of 275 gallons shall be allowed.

j. All outer contact surfaces and fittings, of pump trucks, shall be kept in a clean and sanitary condition while stored or in transit.

k. All premises served and equipment used shall be left in a clean and sanitary condition.

l. All discharge valves, on pump trucks, shall be in good repair, free from leaks and fitted with watertight caps.

m. The name of the operating firm shall be prominently displayed on both sides of any pump tank vehicle in bold letters not less than five inches high for the firm name and not less than three inches high for other information, such as address and telephone number.

n. Prior to the issuance of a septic tank pumper's license, the applicant must be in possession of a bond obtained in accordance with the special or general contractors laws of the State of Washington and provide proof of business liability insurance in the minimum amount of \$100,000.

o. The District may fine, suspend, or revoke the license of a pumper if there has been finding of incompetence, negligence, willful misrepresentation or failure to comply with this chapter or other applicable laws, rules, and regulations.

i. A septic tank pumper whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days have passed from the date of this license revocation.

ii. Any septic tank pumper, whose license or certification is suspended or revoked, will be required to retake the appropriate exam before their license will be reinstated.

p. Septage shall be discharged into an existing approved sewage treatment plant, or other approved facility, in accordance with plant operator's instructions and/or requirements.

q. Septage disposal sites other than approved sewage treatment plants shall be approved by the District and shall be maintained in a satisfactory manner to preserve the health of the public and the environment.

r. All records pertaining to OSS must be kept, by the pumper, for a period of not less than five years.

s. The District may determine by written examination the applicant's knowledge of public health problems involved in the removal and disposal of sewage from septic tanks and OSS. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.

t. The applicant may take the test only twice in any 90-day period.

### 3. Septic System Operation and Maintenance Provider.

a. It shall be unlawful for anyone, other than the OSS owner, to engage in the activity of operations and maintenance of OSS without first having been issued an operations and maintenance license or certification from the District.

b. Application for an O&M provider license shall be made on forms, or in a manner, provided by the District.

c. Application fees shall be paid at the time of application.

d. The District shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, maintenance, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a license.

e. The applicant may take the test only twice in any 90-day period.

f. Licenses are good for one year and expire as determined by the District.

g. Fees are not prorated.

h. The applicant shall apply for renewal on forms provided by the District.

i. The original license and each renewal shall require a completed application on a form furnished by the District and payment of the prescribed fee.

j. An O&M provider's license is not transferable.

k. Any person having been issued an O&M provider's license is required to notify the District in writing within 30 days of any change in their business address and/or mailing address.

l. Licenses shall not be issued or renewed if the applicant is found by the District to be in violation of the provisions of this chapter.

m. Employees of a licensed O&M provider may be certified by the District to perform OSS O&M inspections in place of the licensed O&M provider under the following conditions:

i. The licensed O&M provider must indicate, to the District, each employee that may be certified.

ii. Application for certification shall be made on forms provided by the District.

iii. Application fees shall be paid at the time of application.

iv. The District shall determine by written examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction, maintenance, and installation. If the applicant does not receive a passing mark in any such examination, the applicant shall be denied a certification.

v. The applicant may take the test only twice in any 90-day period.

vi. Certifications are good for one year and expire as determined by the District.

vii. Fees are not prorated.

viii. The applicant shall apply for renewal on forms provided by the District.

- ix. The original certification and each renewal shall require a completed application on a form furnished by the District and payment of the prescribed fees.
- x. A certification is not transferable between companies or individuals.
- xi. Individuals that are certified must also meet the CEU requirements of a licensed individual.
  
- n. Each O&M provider shall submit to the District, not later than the twentieth day of each month, a report on a form furnished, or in a manner provided, by the District, for each OSS inspected the previous month within Asotin County.
- o. O&M providers shall report failure of an on-site sewage system to the District within one business day of first identifying the failure.
- p. O&M providers must notify the District of the cancellation of any O&M contracts in Asotin County within 30 days of cancellation.
- q. Reports submitted must contain all relevant information required by the District.
- r. Prior to the issuance of an O&M provider's license, the applicant must be in possession of a bond obtained in accordance with the special or general contractors laws of the State of Washington and provide proof of business liability insurance in the minimum amount of \$100,000.
- s. Every O&M provider is required to obtain at least six hours of approved classroom (training) time (one CEU) every year.
- t. Subject matter and CEU training must be directly related to on-site sewage systems and be acceptable to the District.
- u. Proof of attendance must be submitted to the District prior to renewal of license.
- v. CEUs earned by one licensee may be applied to any of his/her licenses issued by the District relating to OSS.

w. For proprietary products, licensed O&M providers must show training specific to the product, and/or meet the product patent holder's specifications, before being authorized by the District as an O&M provider for that product.

x. The District may fine, suspend, or revoke the license of an O&M provider if there has been finding of incompetence, negligence, willful misrepresentation or failure to comply with this chapter or other applicable laws, rules, and regulations.

i. An O&M provider whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days have passed from the date of this license revocation.

ii. Any O&M provider, whose license is suspended or revoked, will be required to retake the appropriate exam before their license will be reinstated.

y. All records pertaining to OSS must be kept, by the O&M professional, for a period of not less than five years.

#### **210 Waiver of regulations.**

A. Under the authority of the local Health Officer, a local Technical Review Committee shall establish guidelines regarding conditions of mitigation for which waivers of the requirements of this chapter may be granted based on best available science and the health of the public and the environment.

B. For any provision of Chapter [WAC 246-272A](#) subject to waiver by the District, the local Technical Review Committee may also establish guidelines of mitigation for which the application may be granted.

C. If there is any guideline of mitigation developed by the Technical Review Committee which is in conflict with a guideline presently or hereafter provided by the District, the guideline of the District shall be followed.

D. No variance shall be granted to the state code by the District without the prior approval and written concurrence of the Washington State Department of Health, except those specifically allowed under Chapter [WAC 246-272A](#).

E. Individuals may request that only District employees review a waiver if they believe the information is proprietary and desire to keep the knowledge restricted. Such request shall be in writing.

F. Waiver of this chapter shall be of two types:

1. Type 1 waivers are waivers granted on a recurring basis for which the site conditions are not a mitigating factor. These waivers may be used by all designers or be specific to a certain designer.

2. Type 2 waivers are site-specific one-time waivers.

## **220 Enforcement.**

A. The local Health Officer:

1. Shall enforce the rules of this chapter; and
2. May refer cases within their jurisdiction to the County Prosecutor's Office.

B. When a person receives a finding that a violation has occurred by the Health Officer, or is subject to disciplinary actions taken pursuant to this section against a firm's or individual's certification to perform work as an installer, operation and maintenance provider, pumper, or other county-certified specialist, they may appeal such matters within 30 days of being notified as indicated in ACC [230](#).

C. When a person violates the provisions of this chapter, the local Health Officer may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

1. Informal administrative conferences, convened at the request of the Health Officer or owner, to explore facts and resolve problems;
2. Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of these rules;
3. Denial, suspension, modification, or revocation of registrations, licenses or certifications issued under this chapter pursuant to ACC [230](#);

4. Civil penalties as provided in Chapter [86-01](#) ACC;
5. Legal action by the County Prosecutor;
6. Denials, conditions, suspensions, modifications or revocations of permits or approvals issued under this chapter;
7. Orders authorized under this section including the following:
  - a. Orders requiring corrective measures necessary to effect compliance with this chapter, which may include a compliance schedule; and
  - b. Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, licenses, and approvals required by rule or statute are obtained.

#### **230 Board of Health appeal.**

A. Sewage system installers, operation and maintenance providers, and pumpers may be subject to disciplinary actions, including but not limited to reprimand, probation, suspension, or revocation of their certificate in accordance with the provisions of this section, upon a finding of a failure to comply with the rules, regulations and policies of OSS installation, operation and maintenance, or pumping, or upon a finding of a failure to comply with terms and conditions of prior probation or suspension, or upon a finding of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance.

B. In the event of suspension or revocation, no monetary rebate shall be forthcoming for any unexpired portion of the certificate period. If, after revocation of the certificate, the person desires to reapply for a certificate, the person must wait 12 months prior to reapplication. In the event of suspension or revocation, that person shall not proceed with any further functions of an installer, operation and maintenance provider, or septic pumper in Asotin County. This shall include a mandatory one-year probationary period.

C. For purposes of taking these actions, the Health Officer may take the following measures:

1. Convene an informal administrative conference and require the attendance of an installer, operation and maintenance provider, or a pumper to explore facts and resolve issues associated with allegations of failure to comply with the rules, regulations, guidelines and policies of OSS pumping, operation and maintenance, or installation, as applicable, or upon allegations of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance. An informal administrative hearing may result in no action, a reprimand, probation, suspension, or revocation.

2. Place an installer, operation and maintenance provider, or pumper on probation. Probation may include limits on the types of systems that can be installed, repaired, or serviced, increased reporting frequency and more detailed reporting for pumpers, and more frequent oversight and inspections. Probation will generally be for periods of six months to one year. Violation of any of the terms and/or conditions of the probation may result in the suspension or revocation of the certificate. Probation periods that span more than one certification period shall carry over from one certification period to the next.

3. Suspend the certifications of an installer, operation and maintenance provider, or a pumper. Certificate suspension shall be for a specific period of not less than one month and not more than one year. The installer, operation and maintenance provider, or pumper on suspension will not be allowed to install or pump systems during the period of suspension. Exceeding one suspension in any one-year period or two suspensions in any three-year period may result in revocation of certification. Suspension periods that span more than one certification period shall carry over from one certification period to the next. Following suspension, installers, operation and maintenance providers, or pumpers may request reinstatement of certification by filing a written application for reinstatement. Prior to reinstatement the installer, operation and maintenance provider, or pumper must meet all current and previous certification responsibilities and requirements, including payment of any reinstatement fee as required by the schedule of fees of the Board. In the event of suspension, that person shall not proceed with any further functions of an installer, operation and maintenance provider, or pumper in Asotin County.

4. Revoke the certifications of an installer, operation and maintenance provider, or a pumper. For intentional and/or willful malfeasance or

serious or criminal or repeated violations of any of the requirements of these regulations or any other applicable regulation, or for violation of any of the terms and/or conditions of a probation or suspension, the installer's, operation and maintenance provider's, or pumper's certificate may be permanently revoked subject to appeal to the Board of Health. If, after revocation of the certificate, the person desires to reapply for a certificate, the person must wait 12 months prior to reapplication. In the event of revocation, that person shall not proceed with any further functions of an installer, operation and maintenance provider, or pumper in Asotin County. Upon reapplication and approval, the person will be placed on one-year probation under subsection (C)(1) of this section.

D. Notice of Probation, Suspension, or Revocation of Certification. Prior to probation, suspension or revocation of certification, the Health Officer shall:

1. Notify the installer, operation and maintenance provider, or pumper in writing, stating the reasons for which the certificate is subject to probation, suspension or revocation; and
2. Provide notice of the consequences of failure to comply with the notice of probation, suspension or revocation; and
3. Advise the installer, operation and maintenance provider, or pumper of his/her right to appeal to the Board of Health.

E. Appeals of Suspension or Revocation of Installers, Operation and Maintenance Providers, or Pumpers Certificates. Except as otherwise provided, the County Board of Health process shall be utilized to address appeals of denials, approvals, modifications, conditions of approval, and suspensions and revocations. All hearings shall be convened in accordance with the regulations of the office of the Board of Health and the current Board of Health policies and procedures, except that in the event of conflict between the provisions of this section, the following provisions shall apply:

1. Notification of Hearing. Notice of the administrative hearing shall be given by personal service or certified mail (return receipt requested) to the last known address by the Health Officer to the person(s) who is the subject of the proposed disciplinary action, and sent by first class mail to any other interested or participating party. The address provided on the application or application renewal will be considered the last known

address unless the Health Officer is notified in writing of a change in address. The notice shall:

- a. Be in writing;
- b. Include a brief and concise description of the cause/reason for the administrative hearing;
- c. State the date, time and location of the administrative hearing; and
- d. Advise the recipient both of the nature and consequences of the requested action, and to whom and where to submit requests for information about the hearing and for copies of any written materials which form a basis for the cause/reason for the hearing.

F. Pre-Hearing Procedures. An appeal must be in writing and must contain the items set forth in this section in order to be complete and perfected, and the party appealing the decision designated as “petitioner.” The Asotin County Board of Health shall examine the petition for completeness and shall immediately notify the petitioner by mail of defects in the petition requiring correction or completion. The Asotin County Board of Health may allow not more than 10 calendar days after mailing of notification of defect in which to receive a perfected appeal for filing. A petition for appeal shall contain all of the following:

1. Specific identification of the order, permit, decision, determination or other action being appealed (including the county’s file or application number where applicable). A complete copy of the document or written decision being appealed must be filed with the appeal;
2. Specific identification of the county code provision which authorizes the appeal;
3. The specific grounds upon which the petitioner relies, including a concise statement of the factual reason for the appeal and, if known, identification of the policies, statutes, codes, or regulations that the petitioner claims are violated, complied with, or misinterpreted or misapplied;
4. The full name, mailing address, daytime telephone number of each petitioner, together with the signature of at least one of the petitioners, or the attorney for the petitioner(s), if any;

5. The name, mailing address, daytime phone and signature of the petitioner's attorney, if any; and

6. Any required filing fee.

7. The costs of transcribing the records of proceedings, of copying photographs, video tapes and any oversized documents, and of staff time associated with copying and assembling the record and preparing any records shall be borne by the petitioner (or equally by the petitioners, if more than one) for the review, with such monies being paid in advance of such transfer to the Asotin County Board of Health.

8. Timely filing of an appeal shall stay the effect of the order, permit, decision, determination or other action being appealed until the appeal is finally disposed of by the Asotin County Board of Health or withdrawn; provided, that filing of an appeal from the denial of a permit shall not stay such denial. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under county jurisdiction.

9. No new appeal issues may be raised or submitted after the close of the time for filing of the original appeal, excepting the raising of errors affecting a constitutional right by parties to an appeal through amendment of their petition for appeal, and the appeal shall be by closed record appeal; except an open record appeal is permitted when there has not been a previous open record hearing. New evidence and testimony may be given and received in an open record appeal only on issues and errors identified by petitioner on the appeal, except as otherwise provided for under the Asotin County Board of Health's rules of procedure. Open record appeals shall be conducted in accordance with the Asotin County Board of Health's rules of procedure for substantive hearings, where applicable, and shall serve to provide argument and guidance for the Asotin County Board of Health's decision. Open record appeals shall otherwise be conducted as provided for closed record appeals.

G. Post-Hearing Procedures. Within 10 calendar days of the conclusion of the hearing, unless a longer or shorter period is determined to be necessary by the Asotin County Board of Health or by the Health Officer, the Asotin County Board of Health shall render a written decision, which shall include findings of fact and conclusions based on the record, and notification of a right of appeal, as follows:

1. The Asotin County Board of Health shall determine from the evidence presented at the hearing whether or not the allegations of failure to comply with the rules, regulations, guidelines and policies of OSS pumping, operation and maintenance, or installation, as applicable, or upon allegations of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance which formed the basis for the Health Officer's recommendation to discipline, or to suspend or revoke the certifications of an installer, operation and maintenance provider, or a pumper, as applicable, has occurred and/or been substantiated.

2. If the Asotin County Board of Health determines that the allegations forming the basis for the recommended discipline, suspension or revocation have occurred and/or been substantiated, the Asotin County Board of Health may initiate a course of action which may include discipline, including but not limited to reprimand or probation, and/or suspension or revocation. For purposes of the scope and nature of said course of action, the recommendations of Health Officer shall be afforded due deference.

3. The findings and conclusions of the Asotin County Board of Health, and the course of action to be taken in light of those findings and conclusions, shall be served on the parties of record to the hearing in the manner set forth in subsection (E)(1) of this section.

4. Final decisions and actions of the Asotin County Board of Health must be appealed to the court.

#### **240 Severability.**

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be invalid.

#### **250 Fees.**

The fees and charges under this chapter shall be as from time to time established by resolution by the Asotin County Board of Health.

## 260 Right of entry.

Whenever necessary to make an inspection to enforce any provisions of this chapter or any regulations adopted hereunder, or to inspect any portion of the OSS, or whenever the local Health Officer has reasonable cause to believe there exists any condition that is or may represent a threat to the health, safety, or welfare of the general public, the District may enter onto any property at any reasonable time to inspect and to otherwise perform their duties; provided, the District shall first make reasonable efforts to contact the person responsible for the premises and shall present proper credentials to such person and request entry onto the premises. If entry is refused, the District shall have recourse to every remedy provided by law to secure entry. In the event of an emergency, the District is authorized to enter the premises to inspect and to enforce this chapter without first attempting to contact the person responsible for this property.