



To Protect and Promote the Health and the Environment of the People of Kittitas County

## BOH Staff Report

### MEETING DATE:

February 17, 2022

### ACTION REQUESTED:

Staff request that the BOH/BOCC approve the proposed changes to Kittitas County Code Chapter 13.04 On-Site Sewage Disposal Systems as presented and adopt the attached Resolution and Ordinance.

### ATTACHMENTS:

- DRAFT Chapter 13 Septic Code Revisions – Redlined
- DRAFT Chapter 13 Septic Code Revisions – Clean Version
- Resolution
- Ordinance

### BACKGROUND:

Kittitas County Code Chapter 13.04 On-Site Sewage Disposal Systems (OSDS) has not been updated to reflect current On-Site Sewage (OSS) Standards. The last revision of Title 13.04 was in 1979 and large sections of the code have either become outdated and irrelevant by today's standards. Early in 2020, during one of our annual OSS stakeholders' meetings, the idea and momentum to updating our current code started to take place in conversations with stakeholders. During our March 2021 annual stakeholders meeting, all stakeholders were encouraged to participate in the development of potential code changes where needed. Two stakeholders provided input at that time. In August of 2021, a copy of the revisions was sent to all OSS stakeholders and feedback was requested within 30 days. After the 30 days when no additional feedback was provided, the language was sent over to the Kittitas County Prosecutor's Office for legal review.

- **Definitions** added the definition of a Designer, Failure, Greywater, Kittitas County Public Health Fee Schedule (KCPHDFS), Pumper, Site Evaluation, and Soil/Test. Definitions were derived from State code and current processes and procedures.
- **Definitions** Removed the definition of Comprehensive Environmental Health Fee Schedule (CEHFS) because it no longer exists.
- **13.04.020 Applicability** no substantial changes were made.
- **13.04.030(1)(3) Permit - Requirements** Cleaned up language to reflect the current permitting process, added language to clarify how long a permit was valid and removed language that would be considered process and procedure instead of code.

- **13.04.040 License-On-site Sewage Disposal System Designer** Removed language that implied KCPHD would administer or control designer's licenses deferring all designer licensing to the state.
- **13.04.050(2)(a) On-site Sewage Disposal System Installer** Input language that clarified current state bonding requirements for contractors.
- **In 13.04.050(2)(b)(c)** Language was added to ensure licensed installers showed proof of insurance and removed "Paid the appropriate fee as established by the CEHFS" and replaced it with "Submitted a completed OSS system installer application and applicable fee to KCPHD" to update to reflect current standard.
- **13.04.060 Connection to Public Sewer System** no substantial changes were made.
- **13.04.070 Minimum Lot Sizes** was changed to site the WAC-246-272A-0110 on what type of septic system requirements are needed to meet treatment level N standards, clearly defining what is required by the Health Officer for lots under the minimum lot size requirements to obtain a septic system.
- **13.04.080(2) Location** was changed to reflect the WAC 246-272A-0210 table IV removing redundancy in the current KCC setback table.
- **13.04.080(4) Location** was removed due to vague language and is addressed within site evaluation hydraulic loading rate application ratings.
- **13.04.090 Determination of Soil Characteristics** cleaned up existing language to reflect up to date titles, standards, and re-structured sentences to flow better.
- **13.04.100(1) Designer Program** removed licensing requirements at a local level and deferred to license requirements set forth by WAC 246-272A.
- **13.04.100(2) Designer Program** Clarified existing requirements and updated anticipated sewage flows to current State requirements.
- **13.04.110 Design and construction-Generally** was updated to current language regarding septic manuals along with removing "health officer" and replacing it with "KCPHD".



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- **13.04.120 Design and Construction- Building Sewer** no substantial changes were made.
- **13.04.130(1) Design and Construction-Septic Tanks** deferred septic tank specification requirements by the Department of Health's proprietary products standards through certification and registration identified in WAC 246-272A. Removing specific tank design construction plans to be submitted to local health for review.
- **13.04.130(5)(a) Design and Construction-Septic Tanks** Removed an exception made by written approval by the health officer to design a septic tank with less capacity than what is required by WAC 246-272A-0232.
- **13.04.140 Design and Construction** no substantial changes were made.
- **13.04.150(3) Design and Construction- Subsurface Disposal Field** Removed language that allowed for the use of Seepage pits as an alternative to a subsurface drain field.
- **13.04.150(23) Design and Construction- Subsurface Disposal Field** Removed an exception that contradicts other portions of the code 13.04.140(1).
- **13.04.160 Inspection** Re-wording language to clarify when an inspection notification is needed and who will be notified once the inspection is completed.
- **13.04.170 Maintenance** no substantial changes were made.
- **13.04.180(1) Management** Removed a sentence that deferred to a section of the code that does not exist. Replaced with directing OSS management plans to be approved by the local health department when needed.
- **13.04.190(2)(3) Prohibited Discharge** Sections are redundant and are reflected in multiple WAC references that outline where a subsurface OSDS shall be permitted.
- **13.04.200 Disposal of Septic Tank Waste** Replaced language to reflect current and appropriate actions within the purview of KCPHD. Removed vague interpretive language.
- **13.04.210 Alternate devices and methods** Cleaned up language that states the WA DOH is responsible for making a determination on both alternate devices and methods used.



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- **13.04.220(1)(2) Larger Systems** cleaned up sentence structure in first paragraph no substantial change, second paragraph clarified quantity of sewage per parcel to align with State code.
- **13.04.230 Other Types of Disposal Units** Simplified language and referred to proprietary products approved by WA DOH.
- **13.04.240(1) Sanitary Privy** Clarified minimum construction requirements for a Sanitary Privy to be more protective of the public's health by adding a 1000 gallon minimum and removed the unsealed tank option.
- **13.04.250 Health Hazard Described** editing of sentence structure and replaced health officer with KCPHD where it made sense procedurally.
- **13.04.270 Waiver** no substantial changes made.
- **13.04.280 Hearings (Replaced with Health Officer Enforcement Authority)** removed this section due to redundancy in process with appeals. Replaced it with language lifted from 13.75.080 regarding the authority of the Health Officer to enforce per legal recommendation
- **13.04.290 Appeal** lifted language from 13.75.070 per legal recommendation (changed Health Order to "decision" to be more consistent with section)
- **13.04.300 Emergency** no substantial changes made.
- **13.04.310 Violation** utilized language present in other code to reflect current enforcement for violations

**INTERACTION:**

Kittitas County Prosecutor's Office: Reviewed January, 2022 (CAMAS #52531)

**RECOMMENDATION:**

The Board of Health/BOCC approved the presented revisions to Kittitas County Code Chapter 13.04 On-Site Sewage Disposal Systems. Staff requests that the BOH also sign the attached resolution and the BOCC sign the attached Ordinance.

**LEAD STAFF:**

Jesse Cox, Environmental Health Supervisor



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Erin Moore, Quality Improvement Coordinator