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BENTON-FRANKLIN DISTRICT BOARD OF HEALTH RULES AND
REGULATIONS NO. 2

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DISTRICT BOARD OF HEALTH OF THE BENTON-FRANKLIN HEALTH DISTRICT

Rules and Regulations providing for the regulation of private sewage disposal systems; for permitting of those engaged in the installation of disposal systems; establishing permits and fees therefore; providing for an on-site waste management system.

RULES AND REGULATIONS

(No. 2)

As revised July 1, 2007

WHEREAS, under the provisions of R.C.W. 70.05.060, R.C.W. 70.08, R.C.W. 43.70, and R.C.W. 70.46.060, this board is charged with the duties of (1) enacting such rules and regulations as are necessary in order to preserve, promote and improve the public health and provide the enforcement thereof; and (2) providing for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the Health District.

WHEREAS, the Washington State Board of Health has passed rules and regulations which are mandatory and binding on the Boards of Health, and WHEREAS, these rules and regulations require a substantial revision of rules and regulations previously enacted by the District Board of Health of the Benton-Franklin Health District:

NOW, THEREFORE, be it resolved by the Benton-Franklin District Board of Health that Rule No. 2, be, and is hereby amended, and that from and after the date of this resolution, shall be and read as follows:

RULES AND REGULATIONS NO. 2

SECTION I Purpose, objectives, and authority.

- (1) The purpose of this chapter is to protect the public health by minimizing:
 - (a) The potential for public exposure to sewage from on-site sewage systems;
 - (b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.and
- (2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:
 - (a) Achieve effective long-term sewage treatment and effluent dispersal;
 - (b) Limit the discharge of contaminants to waters of the state.and
- (3) The Health officer and the District Board of Health of the Benton-Franklin Health District shall administer these rules and regulations under the authority of W.A.C. 246-272A, Chapters 70.05 and 43.20, R.C.W. As provided in 70.05.060 (7) R.C.W., the Board of Health may charge fees for this administration. The Benton-Franklin Health District shall:

- (a) Adopt or amend rules and regulations governing the design, construction, installation, and operation of on-site sewage disposal systems.
 - (b) Hold public hearings in connection with proposed rules and regulations and amendments thereto.
 - (c) Enforce the provisions of these regulations and any regulations adopted pursuant thereto.
 - (d) Issue permits, certifications, registrations, or other documents to include establishing written procedures for the submission, review and approval or rejection of applications required under these regulations.
- (4) This chapter is intended to coordinate with other applicable statutes and rules for the design of on-site sewage systems under chapter 18.210 RCW and chapter 196-33 WAC.
- (5) This chapter is intended to coordinate with other applicable statutes for land use planning under chapters 36.70 and 36.70A RCW, and the statutes for subdivision of land under chapter 58.17 RCW.

SECTION II Introduction

- (1) The provisions of these rules and regulations shall apply to all territory contained within the boundaries of the Benton-Franklin Health District.
- (2) Every residence, place of business, or other building or place where persons congregate, reside, or are employed to which a public sewer is not physically accessible or available shall be provided with it's own water flush toilet system.
- (3) No person shall construct, alter, repair, extend, or cause to be constructed, altered, repaired, or extended, any on-site sewage disposal system contrary to the provisions of these regulations.
- (4) No person shall occupy or permit to be occupied any residence, place of business or other building or place where persons congregate, reside, or are employed unless such location is served by a State approved sewer system, or an approved on-site waste disposal system for which approval has been obtained from the Health officer; provided, however, temporary facilities may be installed for a limited period of time with prior written approval of the Health officer unless superceded by or in conflict with other applicable State or Local regulations.

SECTION III Definitions.

(1) Acronyms used in this chapter:

"**ANSI**" means American National Standards Institute.

"**BOD**" means biochemical oxygen demand, typically expressed in mg/L.

"**CBOD₅**" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"**FC**" means fecal coliform, typically expressed in number colonies/100 ml.

"**LOSS**" means a large on-site sewage system (see chapter 246-272B WAC).

"**NSF**" means National Sanitation Foundation International.

"**O&G**" (**formerly referred to as FOG**) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

"**OSS**" means on-site sewage system.

"**RS&G**" means recommended standards and guidance.

"**SSAS**" means a subsurface soil absorption system.

"**TAC**" means the technical advisory committee established in WAC 247-272A-0400.

"**TN**" means total nitrogen, typically expressed in mg/L.

"**TSS**" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

"**USEPA**" means United States Environmental Protection Agency.

(2) Definitions used in this chapter:

"**Additive**" means a commercial product added to an on-site sewage system intended to affect the performance or aesthetics of an on-site sewage system.

"**Approved**" means a written statement of acceptability issued by the health officer or the department.

"**Approved list**" means "List of Approved Septic Tanks", developed and maintained by the Health officer containing a list of septic tanks, and holding tanks approved by the Health officer in compliance with the District's Standard for Septic Tank Design, and also approved by the Department.

"**Bed**" means a soil dispersal component consisting of an excavation with a width greater than three feet.

"**Benton-Franklin Health District**" (BFHD) means all the area within the boundaries of Benton and Franklin Counties exclusive of the Hanford Reservation.

"**Building sewer**" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

"**Cesspool**" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

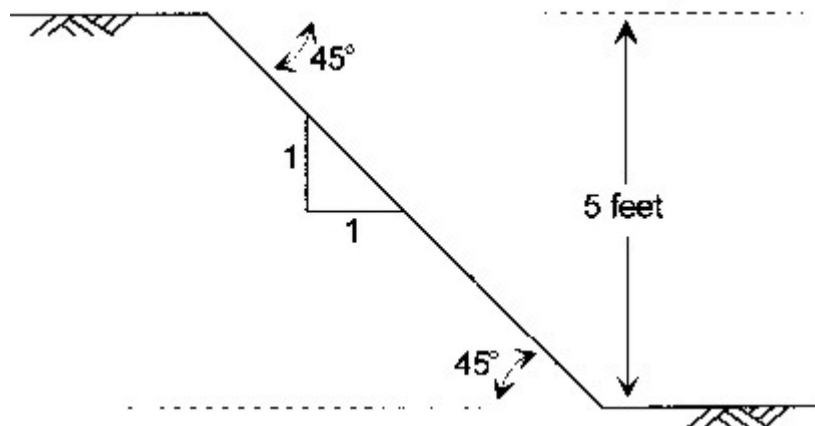
"Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

- (a) In full compliance with new construction requirements under this chapter; or
- (b) Approved, installed and operating in accordance with requirements of previous editions of this chapter; or
- (c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Department" means the Washington state department of health.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under chapter 18.210 RCW and professional engineers licensed under chapter 18.43 RCW.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Development" means the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.

"Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.

"Drain field" see subsurface soil absorption system (SSAS) and soil dispersal component.

"Drainrock" means clean washed gravel or crushed rock ranging in size from three-quarter inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

"Expansion" means a change in a residence, facility, site, or use that:

- (a) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or
- (b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

"Failure" means a condition of an on-site sewage system or component 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:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a sewage tank or collection system;
- (d) Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
- (e) Inadequately treated effluent contaminating groundwater or surface water; or
- (f) Noncompliance with standards stipulated on the permit.

"Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per 100 ml.

"Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

"Gross land area" means that area which is within the legal boundaries of a lot and shall not include dedicated right of ways for roads etc.

"Groundwater" means subsurface water occupying the zone of saturated soil, permanently, seasonally. Indications of groundwater may include:

- (a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.
- (b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of groundwater and may indicate poor aeration and impeded drainage. Also see "water table."

"Health officer" means the health officer of the Benton-Franklin Health District within the state of Washington, or a representative authorized by and under the direct supervision of the health officer, as defined in chapter 70.05 RCW.

"Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Hydraulic loading rate" means the amount of effluent applied to a given treatment step, in this chapter expressed as gallons per square foot per day (gal/sq.ft./day).

"Industrial wastewater" means 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.

"Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

"Installer" means a person approved by the health officer to install on-site sewage systems or components.

"Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed.

"Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

"May" means discretionary, permissive, or allowed.

"Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

"Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

"Non-Conforming system" means any on-site sewage system failing to meet any of the following criteria:

- (a) Systems in full compliance with new construction requirements under this chapter; or

- (b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or
- (c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

- (a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and
- (b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Ped" means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

"Permit" a written certificate issued by the health officer, authorizing the performance of a specific function or service.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

"Planned unit development" means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a SSAS, as described in the department's *"Recommended Standards and Guidance for Pressure Distribution Systems"*. A subsurface drip system may be used wherever the chapter requires pressure distribution.

"Professional engineer" means a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

"Proprietary product" means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.

"Public domain technology" means a sewage treatment and distribution technology, method, or material not subject to a patent or trademark.

"Public sewer system" means a sewerage system:

- (a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and
- (b) Approved by or under permit from the department of ecology, the department of health and/or a health officer.

"Pumper" means a person approved by the health officer to remove and transport sewage or septage from on-site sewage systems.

"Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

"Repair" means the relocation, replacement or reconstruction of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Rock fragment" means rock or mineral fragments having a diameter of two millimeters or more; for example, gravel, cobbles, stones, and boulders.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Septic system" see on-site sewage system or OSS.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

"Sewage quality" means contents in sewage that include:

- (a) CBOD₅, TSS, and O&G;
- (b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;
- (c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

"**Sewage tank**" means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.

"**Shall**" means mandatory.

"**Soil dispersal component**" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.

"**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.

"**Soil scientist**" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.

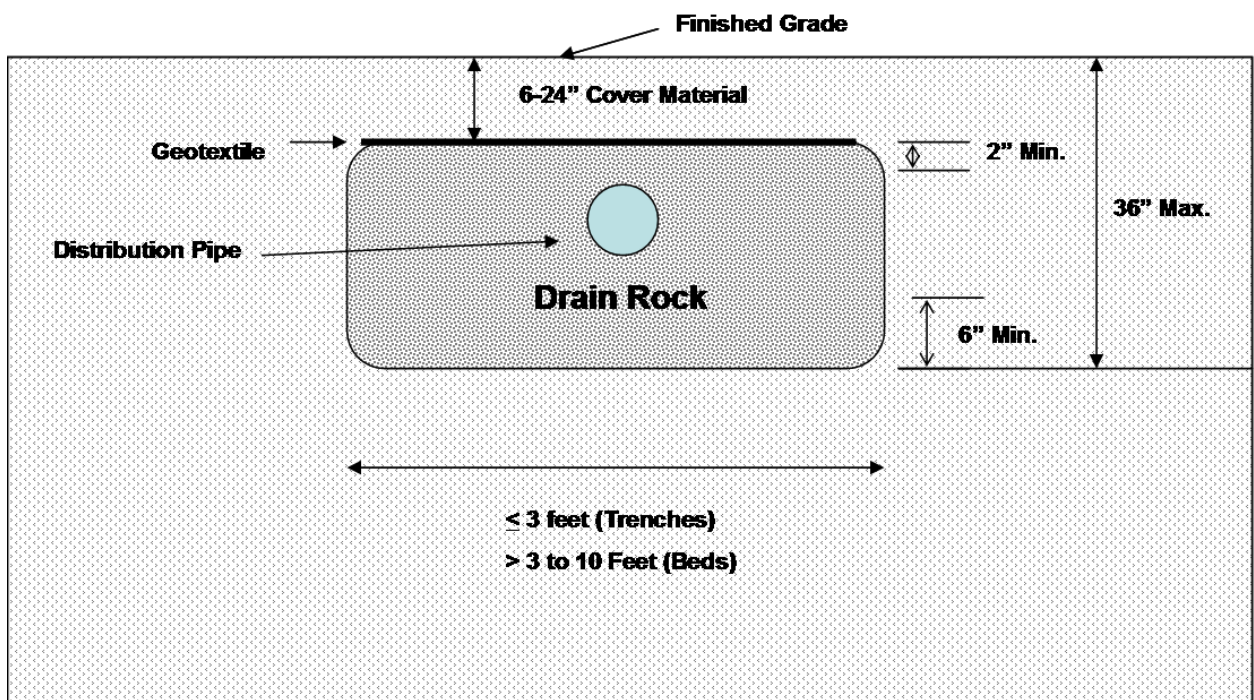
"**Soil type**" means one of seven numerical classifications of fine earth particles and rock fragments as described in WAC 246-272A-0220 (2)(e) and Section XIX (2)(e).

"**Standard methods**" means the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

"**Strong structure**" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

"**Subdivision**" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, including both long and short subdivisions, planned unit developments, and mobile home parks.

"**Subsurface drip system**" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's "*Recommended Standards and Guidance for Subsurface Drip Systems.*"



"Subsurface soil absorption system" (SSAS) means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.

"Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.

"Treatment component" means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

"Treatment level" means one of six levels (A, B, C, D, E, & N) used in these rules to:

- (a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and
- (b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.
- (c) Treatment Levels – parameters:

Level	Parameters				
	CBOD ₅	TSS	O&G	FC	TN
A	10 mg/L	10 mg/L	----	200/100 ml	----
B	15 mg/L	15 mg/L	----	1,000/100 ml	----
C	25 mg/L	30 mg/L	----	50,000/100 ml	----
D	25 mg/L	30 mg/L	----	----	----
E	125 mg/L	80 mg/L	20 mg/L	----	----
N	----	----	----	----	20 mg/L

"Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component.

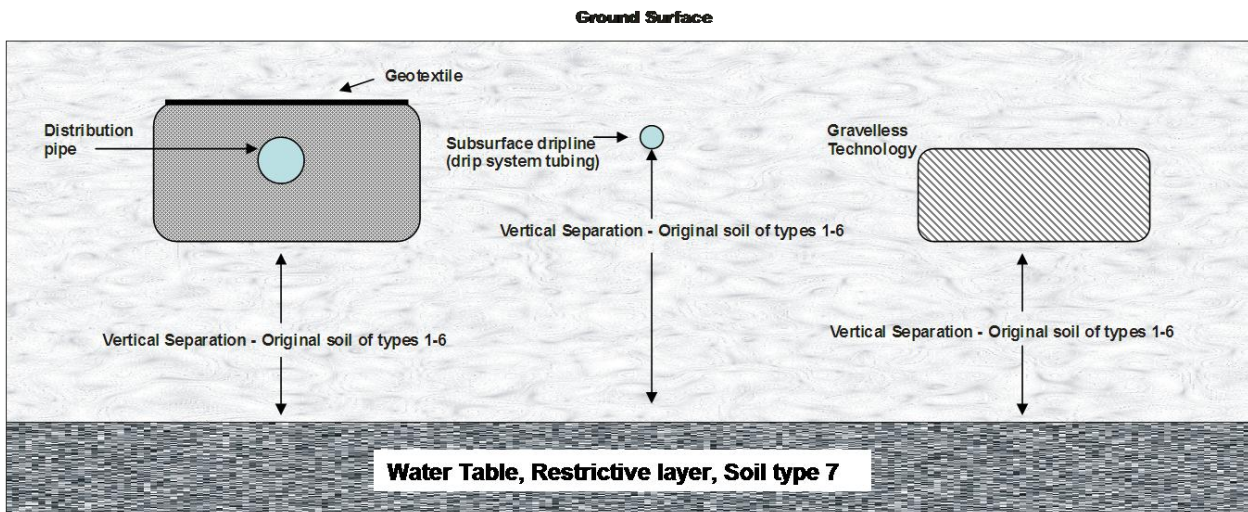
"Trench" means a soil dispersal component consisting of an excavation with a width of three feet or less.

"Unit volume of sewage" means:

- (a) Flow from a single-family residence;
- (b) Flow from a mobile home site in a mobile home park; or
- (c) Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

"Usable land area" means the minimum land area required per development which is suitable for sewage disposal systems, has a depth of soil sufficient to maintain 4 feet of vertical separation in original undisturbed soil from the bottom of a drainfield to groundwater or a restrictive layer and free from easements and physical restrictions, determined by soil logs and/or percolation tests.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:



"Very gravelly" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

"Water table" means the upper surface of the groundwater, whether permanent or seasonal. Also see "groundwater."

"Well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of groundwater for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

- (a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- (b) An observation or monitoring well used to measure the effect of an OSS on a water table; and
- (c) An interceptor or curtain drain constructed to lower a water table.

SECTION IV Management.

- (1) Health officer shall develop a written plan that will provide guidance to the jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:
 - (a) A description of the capacity of the health district to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;
 - (b) A description of how the health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270 and Section XXVI of this rule; and
 - (c) A description of the capacity of the health district to adequately fund the OSS plan.
- (2) The plan may identify how the health district will:
 - (a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;
 - (b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:
 - (i) Sole source aquifers designated by the USEPA;
 - (ii) 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;
 - (iii)
 - (iv) Designated wellhead protection areas for Group A public water systems;
 - (v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;
 - (vi) Areas designated by the Department of Ecology as special protection areas under WAC 173-200-090, Water quality standards for groundwaters of the state of Washington;
 - (vii) Wetland areas under production of crops for human consumption;
 - (viii) 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;
 - (ix) Areas where nitrogen has been identified as a contaminant of concern; and
 - (x) Other areas designated by the health officer.
- (3) In order to implement the plan health officer shall require the owner of the OSS to:
 - (a) Comply with additional requirements identified in the plan for the location, design, or performance; and
 - (b) Comply with the conditions of the operational permit if one is required.
- (4) In order to implement the plan the health officer may require the owner of the OSS to:
 - (a) Ensure additional maintenance and monitoring of the OSS;
 - (b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

- (c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and
 - (d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.
- (5) In the plan required in subsection (1) of this section the health officer may address water conservation.

GENERAL REQUIREMENTS

SECTION V Applicability.

- (1) The health officer:
 - (a) Shall apply this chapter to OSS treating sewage and dispersing effluent from residential sources with design flows up to three thousand five hundred gallons per day;
 - (b) May apply this chapter to OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.
 - (c) May not apply this chapter to industrial wastewater.
- (2) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:
 - (a) Shall be acted upon in accordance with regulations in force at the time of issuance;
 - (b) Shall have a maximum validity period of 1 year from the date of issuance; and
 - (c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.
 - (d) May be modified to comply with current requirements if less than previous rule.
- (3) This chapter does not apply to facilities regulated as reclaimed water use under chapter 90.46 RCW.

SECTION VI Connection to public sewer system.

- (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the health officer, upon the failure of an existing on-site sewage system may:
 - (a) Require hook-up to a public sewer system; or
 - (b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.
- (2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under Section XXX of this rule and connect the residence or other facility to a public sewer system when:
 - (a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and
 - (b) The sewer utility allows the sewer connection.

- (3) The owner of a residence or other facility served by a system meeting the requirements of Table IX of this chapter shall abandon the OSS according to the requirements specified in Section XXX of this rule, and connect the residence or other facility to a public sewer system when:
 - (a) Connection is deemed necessary to protect public health by the health officer;
 - (b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
 - (c) The sewer utility allows the sewer connection.
- (4) The board of health may require a new development to connect to a public sewer system to protect public health.
- (5) The board of health shall require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.

SEWAGE PRODUCTS AND TECHNOLOGIES

SECTION VII Sewage technologies.

- (1) The Health officer may allow the use of different types of sewage treatment and distribution technologies including the following four broad categories:
 - (a) Public domain treatment technologies (e.g., sand filters);
 - (b) Proprietary treatment products (e.g., aerobic treatment systems and packed bed filters);
 - (c) Public domain distribution technologies (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);
 - (d) Proprietary distribution products (e.g., subsurface dripline products or gravelless distribution products).
- (2) All types of sewage technologies must have either standards for use described in WAC 246-272A or Department of Health recommended standards and guidance prior to being considered for use by the health officer. Recommended standards and guidance may include information and detail such as:
 - (a) Application;
 - (b) Design;
 - (c) Installation;
 - (d) Operation, monitoring and maintenance;
 - (e) Performance expectations; and
 - (f) Sources of information.

SECTION VIII Proprietary treatment products--Certification and registration.

WAC 246-272A-0110 Adopted by reference

SECTION IX Proprietary treatment product registration--Process and requirements.

WAC 246-272A-0120 Adopted by reference

SECTION X Transition from the list of approved systems and products to the registered list--Treatment products.

WAC 246-272A-0125 Adopted by reference

SECTION XI Bacteriological reduction.

WAC 246-272A-0130 Adopted by reference

SECTION XII Transition from the list of approved systems and products to the registered list--Bacteriological reduction.

WAC 246-272A-0135 Adopted by reference

SECTION XIII Proprietary distribution products--Certification and registration.

WAC 246-272A-0140 Adopted by reference

SECTION XIV Proprietary distribution product registration--Process and requirements.

WAC 246-272A-0145 Adopted by reference

SECTION XV Transition from the list of approved systems and products to the registered list--Distribution products.

WAC 246-272A-0150 Adopted by reference

SECTION XVI Product development permits.

- (1) The health officer may issue a product development permit (PDP) for any proprietary treatment component or sequence. In order to protect public health during the development period, a complete system meeting the requirements of this chapter and the site must be installed. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product developers to explore and develop new technologies prior to product testing and registration under WAC 246-272A-0110 and 246-272A-0120. The PDP is not an alternative to testing and registration.
- (2) An application for a PDP shall include all of the following:
 - (a) Proof of an existing conforming system in compliance with all requirements, or a permit for a conforming system. The conforming system must be installed in its entirety before the PDP becomes valid;
 - (b) A description of the product under development including performance goals and a description of how the system will be used to treat sewage;

- (c) Documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage resulting from the use of the product under development. Instruments of financial assurance include:
 - (i) An irrevocable letter of credit in the amount required by the health officer issued by an entity authorized to issue letters of credit in Washington state;
 - (ii) Cash or security deposit payable to the health jurisdiction in the amount required by the health officer; or
 - (iii) Any other financial assurance that satisfies the health officer.
- (d) Documentation signed by the owner of the proposed product development site allowing access to the health officer for inspection of the site; and
- (e) Any other information required by the health officer.
- (3) The health officer may stipulate additional requirements for a PDP necessary to assure the performance of the conforming system, including providing performance data to the health officer.
- (4) A PDP is a site-specific permit. Product development at multiple sites requires a PDP for each site.
- (5) During the term of the PDP, product development, testing and sampling are under the full control of the product developer and all data collected is considered proprietary information.
- (6) A PDP is valid for one year and may be renewed by the health officer.
- (7) The product development period is over when the original PDP or any subsequently renewed permits have expired. At this time the product developer:
 - (a) Shall, at the direction of the health officer, remove the product under development from the site, reestablishing all appropriate plumbing and power connections for the conforming system.
 - (b) May subject the product to performance testing described in WAC 246-272A-0110 in order to allow the product to be eligible for registration with the department.
- (8) The health officer may revoke or amend a PDP:
 - (a) If the continued operation or presence of the product under development:
 - (i) Presents a risk to the public health or the environment;
 - (ii) Causes adverse effects on the proper function of the conforming system on the site; or
 - (iii) Leaks or discharges sewage on the surface of the ground.
 - (b) If the developer fails to comply with any requirements stipulated on the permit by the health officer.
- (9) The health officer may charge fees adequate to administer the PDP program.

SPECIFIC REQUIREMENTS

SECTION XVII Permit requirements.

No person shall install or cause to be installed a new on-site sewage disposal system, nor perform any alterations, expansions or relocations or connections to an existing system without a valid permit issued by the health officer. Permits for repairs, alterations and expansions shall be so identified. Application for such permit shall be

made in writing in a manner prescribed by the health officer. Each permit application shall include a reminder of the applicant's right of appeal. The authority to issue permits shall not be delegated by the health officer. Permits shall be valid for 12 months from the date of issuance. The health officer may establish extension/renewal periods.

- (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the health officer:
 - (a) General information including:
 - (i) Name and address of the property owner and the applicant at the head of each page of submission;
 - (ii) Parcel number and if available, the address of the site;
 - (iii) Source of drinking water supply;
 - (iv) Identification if the property is within the boundaries of a recognized sewer utility;
 - (v) Size of the parcel;
 - (vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;
 - (vii) Source of sewage, for example, residence, restaurant, or other type of business;
 - (viii) Location of utilities;
 - (ix) Name of the site evaluator;
 - (x) Name, signature and stamp of the designer;
 - (xi) Date of application; and
 - (xii) Name and signature of the fee simple owner, the contract purchaser of the property.
 - (b) The soil and site evaluation as specified under Section XIX.
 - (c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:
 - (i) Designated areas for the proposed initial system and the reserve area;
 - (ii) The location of all soil logs and other soil tests for the OSS;
 - (iii) General topography and/or slope;
 - (iv) Drainage characteristics;
 - (v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and
 - (vi) An arrow indicating north.
 - (d) A detailed system design meeting the requirements under Sections XX, XXI, XXII, and XXIII including:
 - (i) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
 - (ii) Vertical cross-section drawings showing:
 - (A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and
 - (B) Other new OSS components constructed at the site.

- (iii) Calculations and assumptions supporting the proposed design, including:
 - (A) System operating capacity and design flow;
 - (B) Soil type; and
 - (C) Hydraulic loading rate in the soil dispersal component; and
 - (e) Any additional information as deemed necessary by the health officer.
- (2) A permit is not required for replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced. The health officer may require the owner to submit information regarding these activities for recordkeeping purposes.
- (3) The health officer may develop the information required in subsection (1) of this section.
- (4) The health officer shall:
 - (a) Respond to an application within thirty days as required in RCW 70.05.074.
 - (b) Permit only public domain technologies that have DOH RS&G. Permit only proprietary products that are registered by the department.
 - (c) Issue a permit when the information submitted under subsection (1) of this section and the site meet the requirements contained in this chapter;
 - (d) Identify the permit as a new installation, repair, expansion, modification, or operational permit;
 - (e) Specify the expiration date on the permit. The expiration date may not exceed 1 year from the date of permit issuance;
 - (f) Include a reminder on the permit application of the applicant's right of appeal; and
 - (g) If requiring an operational permit, state the period of validity and the date and conditions of renewal.
- (5) The health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:
 - (a) Construction or continued use of an OSS that threatens the public health;
 - (b) Misrepresentation or concealment of material fact in information submitted to the health officer; or
 - (c) Failure to meet conditions of the permit, this chapter or any *applicable* regulations.
- (6) Before the health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:
 - (a) An approved public entity owning or managing the OSS in perpetuity; or
 - (b) A management arrangement acceptable to the health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:
 - (i) A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and
 - (ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.
- (7) The health officer shall not delegate the authority to issue permits.

- (8) The health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

SECTION XVIII Location.

- (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table IV, Minimum Horizontal Separations:

**Table IV
Minimum Horizontal Separations**

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Irrigation Canals (lined or unlined)	100ft.	50ft.	50ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/In ground pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/subsurface storm water infiltration systems	10 ft.	N/A	N/A
Trees, Utility Poles, Driveways, Patio, and other impervious surfaces	10 ft	5ft.	N/A
Natural Drainage areas ³	15ft.+Easement	15ft.+ easement	N/A
Slopes in excess of 20%	10ft.	5ft.	N/A

¹If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

²The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

³Setback for natural drainage areas shall be measured from the near side high water mark as determined by 100 year storm analysis. Setback shall be 15' + the height of cut or bank from the easement edge. The 100 year storm will determine the easement.

- (2) If any condition indicates a greater potential for contamination or pollution, the health officer may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.
- (3) The health officer may allow a reduced horizontal separation for tight line to not less than two feet where the property line, easement line, in-ground swimming pool, or building foundation is up-gradient.
- (4) The horizontal separation between an OSS dispersal component and an individual water well, individual spring, or surface water that is not a public water source can be reduced to a minimum of seventy-five feet, by the health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:
 - (a) Adequate protective site-specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and/or aquatards separating potable water from the OSS treatment zone, excessive depth to groundwater, down-gradient contaminant source, or outside the zone of influence; or
 - (b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in Section XX Table VI; or
 - (c) Evidence of protective conditions involving both (a) and (b) of this subsection.
- (5) Persons shall design and/or install a soil dispersal component only if:
 - (a) The slope is less than 20 percent (11 degrees);
 - (b) The area is not subject to:
 - (i) Encroachment by buildings or construction such as placement of power poles and underground utilities;
 - (ii) Cover by impervious material;
 - (iii) Vehicular traffic; or
 - (iv) Other activities adversely affecting the soil or the performance of the OSS.
 - (c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;
 - (d) The land is stable; and
 - (e) Surface drainage is directed away from the site.
- (6) The health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section C1-9 of the Department of Ecology's "*Criteria For Sewage Works Design*," December 1998.

SECTION XIX Soil and site evaluation.

- (1) Only professional engineers, designers, or health officers may perform soil and site evaluations. Soil scientists may only perform soil evaluations.
- (2) The person evaluating the soil and site shall:
 - (a) Report:
 - (i) A sufficient number of soil logs to evaluate conditions within:
 - (A) The initial soil dispersal component; and
 - (B) The reserve area.
 - (ii) The groundwater conditions, the date of the observation, and the probable maximum height;
 - (iii) The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;
 - (iv) The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;
 - (v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
 - (vi) The existence of designated flood plains and other areas identified in the management plan required in Section IV; and
 - (vii) The location of existing features affecting system placement, such as, but not limited to:
 - (A) Wells and suction lines;
 - (B) Water sources and supply lines;
 - (C) Surface water and stormwater infiltration areas;
 - (D) Abandoned wells;
 - (E) Outcrops of bedrock and restrictive layers;
 - (F) Buildings;
 - (G) Property lines and lines of easement;
 - (H) Interceptors such as footing drains, curtain drains, and drainage ditches;
 - (I) Cuts, banks, and fills;
 - (J) Driveways and parking areas;
 - (K) Existing OSS; and
 - (L) Underground utilities;
 - (b) Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the *On-site Wastewater Treatment Systems Manual*, EPA 625/R-00/008, February 2002 except where modified by, or in conflict with, this chapter (available upon request to the department);
 - (c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;
 - (d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and
 - (e) Classify the soil as in Table V, Soil Type Descriptions:

TABLE V
Soil Type Descriptions

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
7 Unsuitable for treatment or dispersal	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

- (3) The owner of the property or his agent shall:
- (a) Prepare the soil log excavation to:
 - (i) Allow examination of the soil profile in its original position by:
 - (A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth five feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component; or
 - (B) Stopping at a shallower depth if a water table or restrictive layer is encountered;
 - (ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and
 - (b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by chapter 296-155 WAC.
- (4) The health officer:
- (a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;
 - (b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;
 - (c) May require any other soil and site information affecting location, design, or installation; and
 - (d) May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

SECTION XX Design requirements--General.

- (1) On-site sewage systems may only be designed by professional engineers, licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW, except:
 - (a) The health officer, may allow a resident owner of a single-family residence to design a conventional gravity flow sewage system for that residence; or
 - (b) If the health officer performs the soil and site evaluation, the health officer is allowed to design a system.
- (2) The designer shall use the following criteria when developing a design for an OSS:
 - (a) All sewage from the building served is directed to the OSS;
 - (b) Sewage tanks have been reviewed and approved by the department and the Health officer
 - (c) Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other non-sewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;
 - (d) The OSS is designed to treat and disperse the sewage volume as follows:
 - (i) For single-family residences:
 - (A) The operating capacity is based on 45 gpd per capita with two people per bedroom.
 - (B) The minimum design flow per bedroom per day is the operating capacity of ninety gallons multiplied by 1.33. This results in a minimum design flow of one hundred twenty gallons per bedroom per day.
 - (C) A factor greater than 0.33 to account for surge capacity may be required by the health officer.
 - (D) The health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.
 - (E) The minimum design flow is two hundred forty gallons per day.
 - (ii) For other facilities, the design flows noted in "*On-site Wastewater Treatment Systems Manual*," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the department) shall be used. Sewage flows from other sources of information may be used in determining system design flows if they incorporate both an operating capacity and a surge capacity, with a minimum design flow of 240 gallons per day.
 - (e) The OSS is designed to address sewage quality as follows:
 - (i) For all systems, the designer shall consider:
 - (A) CBOD₅, TSS, and O&G;
 - (B) Other parameters that can adversely affect treatment anywhere along sequence. Examples include pH, temperature and dissolved oxygen;
 - (C) The sensitivity of the site where the OSS will be installed. Examples include areas where fecal coliform constituents can result in public health concerns, such as shellfish growing areas, designated swimming areas, and other areas identified by the management plan required in WAC 246-272A-0015.

- (D) Nitrogen contributions. Where nitrogen has been identified as a contaminant of concern by the management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.
 - (ii) For OSS treating sewage from a nonresidential source, the designer shall provide the following information:
 - (A) Information to show the sewage is not industrial wastewater;
 - (B) Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and
 - (C) A site-specific design providing the treatment level equal to that required of sewage from a residential source;
- (f) The sewage system design and loading requirements shall conform to the consistent soil conditions found throughout the vertical separation. The loading rate shall be used consistently throughout the design process.
- (g) Treatment levels:
 - (i) Requirements for matching treatment component and method of distribution with soil conditions of the soil dispersal component are listed in Table VI. The treatment levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110. The method of distribution applies to the soil dispersal component.
 - (ii) Disinfection may not be used to achieve the fecal coliform requirements to meet:
 - (A) Treatment levels A or B in Type 1 soils; or
 - (B) Treatment level C.

TABLE VI

Treatment Component Performance Levels and Method of Distribution¹

Vertical Separation in inches	Soil Type		
	1	2	3-6
< 18	NOT ALLOWED	NOT ALLOWED	NOT ALLOWED
18 < 24	A - pressure with timed dosing	A - pressure with timed dosing	A - pressure with timed dosing
24 < 36	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
36 < 48 ²	B - pressure with timed dosing	C - pressure with timed dosing	C - pressure with timed dosing
48<60	B – pressure with timed dosing	E - pressure	E – gravity
60+	C-pressure	E - gravity	E – gravity

¹The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

² On lots in excess of 2 acres the requirements may be reduced to those indicated for 48 to 60 inches of vertical separation provided pressure distribution is utilized.

- (3) The treatment requirements and method of distribution shall be determined by the soil condition requiring the greatest level of treatment within the vertical separation.
- (4) The health officer shall not approve designs for:
 - (a) Cesspools; or
 - (b) Seepage pits.
- (5) The health officer may approve a design for the reserve area different from the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction.

SECTION XXI Design requirements--Septic tank sizing.

Septic tanks shall:

- (1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.
- (2) Have the following minimum liquid volumes:
 - (a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

**TABLE VII
Required Minimum Liquid Volumes of Septic Tanks**

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
1-4	1000
Each additional bedroom	250

- (b) For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty gallons per bedroom with a minimum of one thousand gallons;
- (c) For OSS treating sewage from a nonresidential source, three times the design flow.

SECTION XXII Design requirements--Soil dispersal components.

- (1) All soil dispersal components, except one using a subsurface dripline product, shall be designed to meet the following requirements:
 - (a) Maximum hydraulic loading rates shall be based on the rates described in Table VIII;

**TABLE VIII
Maximum Hydraulic Loading Rate**

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution	
		gal./sq. ft./day	Sq./Bdr.
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding Soil types 5 & 6, all soil types with greater than or equal to 90% rock fragments.	0.727	165
2	Coarse sands.	0.727	165
3	Medium sands, loamy coarse sands, loamy medium sands.	0.727	165
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6	200
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4	300
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2	600
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable	

- (b) Calculation of the absorption area is based on:
 - (i) The design flow in Section XX, (2); and
 - (ii) Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component and the vertical separation of the receiving soil, whichever has the finest texture.
- (c) Requirements for the method of distribution shall correspond to those in Table VI.
- (d) Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than twenty percent, or eleven degrees; and
 - (iii) Have pressure distribution including time dosing.
- (2) All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:
 - (a) Calculation of the absorption area is based on:
 - (i) The design flow in Section XX, (2);

- (ii) Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of dripline and emitters;
- (b) The dripline must be installed a minimum of six inches into original, undisturbed soil;
- (c) Timed dosing; and
- (d) Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than twenty percent, or seventeen degrees.
- (3) All SSAS shall meet the following requirements:
 - (a) The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the health officer. The depth of such system shall not exceed ten feet from the finished grade;
 - (b) A minimum of six inches of sidewall must be located in original undisturbed soil;
 - (c) Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten feet;
 - (i) Have enhanced treatment
 - (ii) Contain 20% greater square footage than indicated by the assigned loading rate.
 - (d) Individual laterals greater than eighty-three feet in length must use pressure distribution;
 - (e) A layer of between twelve and twenty-four inches of cover material; and
 - (f) Other features shall conform with the "*On-site Wastewater Treatment Systems Manual*," United States Environmental Protection Agency EPA-625/R-00/008 February 2002 (available upon request to the department) except where modified by, or in conflict with this section or regulations.
- (4) For SSAS with drainrock and distribution pipe:
 - (a) A minimum of two inches of drainrock is required above the distribution pipe;
 - (b) The sidewall below the invert of the distribution pipe is located in original undisturbed soil.
- (5) The health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:
 - (a) The system serves a single-family residence;
 - (b) The lot size is greater than two and one-half acres;
 - (c) Annual precipitation in the region is less than twenty-five inches per year as described by "*Washington Climate*" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);
 - (d) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth requirements to groundwater as determined by the health officer. The method for determination is described by "*Design Guideline for Gravity Systems in Soil Type 1*" (available upon request to the department).
- (6) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII.

SECTION XXIII Design requirements--Facilitate operation, monitoring and maintenance.

- (1) The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:
 - (a) For gravity systems, septic tank access for maintenance and inspection may be a maximum of six inches below finished grade provided a permanent marker at finished grade is required. If effluent filters are used, access to the filter at finished grade is required.
 - (b) For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:
 - (i) Septic tanks must have service access manholes and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;
 - (ii) Surge, flow equalization or other sewage tanks must have service access manholes;
 - (iii) Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;
 - (iv) Pump chambers, tanks and vaults must have service access manholes;
 - (v) Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and
 - (vi) Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.
 - (c) For systems using pumps, clearly accessible controls and warning devices are required including:
 - (i) Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;
 - (ii) Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and
 - (iii) Audible and visual alarms designed to alert a resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.
- (2) All accesses must be designed to allow for monitoring and maintenance and shall be secured to minimize injury or unauthorized access in a manner approved by the health officer.

SECTION XXIV Holding tank sewage systems.

- (1) A person may not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.
- (2) The health officer may approve installation of holding tank sewage systems only:
 - (a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;
 - (b) For interim uses limited to handling of emergency situations; or
 - (c) For repairs as permitted under Section XXVIII (1)(c)(i).
- (3) A person proposing to use a holding tank sewage system shall:

- (a) Follow design criteria established by the department;
- (b) Submit a management program to the health officer assuring ongoing operation, monitoring and maintenance before the health officer issues the installation permit; and
- (c) Use a holding tank reviewed and approved by the department and the Health officer.

SECTION XXV Installation.

- (1) Only installers may construct OSS, except as noted under subsection (2) of this section.
- (2) The health officer may allow the resident owner of a single-family residence to install a gravity flow OSS for that single-family residence.
- (3) The installer described by either subsection (1) or (2) of this section shall:
 - (a) Follow the approved design;
 - (b) Have the approved design in possession during installation;
 - (c) Make no changes to the approved design without the prior authorization of the designer and the health officer;
 - (d) Only install septic tanks, pump chambers, and holding tanks approved by the department;
 - (e) Be on the site at all times during the excavation and construction of the OSS;
 - (f) Install the OSS to be watertight, except for the soil dispersal component;
 - (g) Cover the installation only after the health officer has given approval to cover; and
 - (h) Back fill with twelve to twenty-four inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

SECTION XXVI Inspection.

- (1) For all activities requiring a permit, the health officer shall:
 - (a) Visit the OSS site during the site evaluation, and final construction inspection and may visit the site during construction;
 - (b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system.
 - (c) Keep the record drawings on file, with the approved design documents.
- (2) The person responsible for the final construction inspection shall assure the OSS meets the approved design.

SECTION XXVII Record drawings.

Upon completion of the new construction, alteration or repair of the OSS, a complete and detailed record drawing shall be submitted to both the health officer and the OSS owner that includes at a minimum the following:

- (1) Measurements and directions accurate to $\pm 1/2$ foot, unless otherwise determined by the health officer, to assure the following parts of the OSS can be easily located:

- (a) All sewage tank openings requiring access;
- (b) The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS; and
- (c) Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;
- (2) Location and dimensions of reserve area;
- (3) Record that materials and equipment meet the specifications contained in the design;
- (4) Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer; and
- (5) For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS.

SECTION XXVIII Operation, monitoring, and maintenance--Owner responsibilities.

- (1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:
 - (a) Obtain approval from the health officer before repairing, altering or expanding an OSS;
 - (b) Secure and renew contracts for periodic maintenance where required by the health jurisdiction;
 - (c) Obtain and renew operation permits if required by the health jurisdiction;
 - (d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:
 - (i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;
 - (ii) Annually for all other systems unless more frequent inspections are specified by the health officer;
 - (e) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
 - (f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;
 - (g) Protect the OSS area and the reserve area from:
 - (i) Cover by structures or impervious material;
 - (ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;
 - (iii) Soil compaction, for example by vehicular traffic or livestock; and
 - (iv) Damage by soil removal and grade alteration;
 - (h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
 - (i) Operate and maintain systems as directed by the health officer;
 - (j) Request assistance from the health officer upon occurrence of a system failure or suspected system failure; and

- (k) At the time of property transfer, provide to the buyer, maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.
- (2) Persons shall not:
 - (a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;
 - (b) Use a sewage system additive unless it is specifically approved by the department; or
 - (c) Use an OSS to dispose of waste components atypical of sewage from a residential source.

SECTION XXIX Operation, monitoring, and Maintenance--Food service establishments.

The health officer shall require annual pumping and inspections of OSS serving food service establishments unless a less frequent interval is approved by the health officer.

SECTION XXX Repair of failures.

- (1) When an OSS failure occurs, the OSS owner shall:
 - (a) Repair or replace the OSS with a conforming system or component, or a system meeting the requirements of Table IX either on the:
 - (i) Property served; or
 - (ii) Nearby or adjacent property if easements are obtained; or
 - (b) Connect the residence or facility to a:
 - (i) Publicly owned LOSS;
 - (ii) Privately owned LOSS where it is deemed economically feasible; or
 - (iii) Public sewer; or
 - (c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:
 - (i) Use a holding tank; or
 - (ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington State Department of Ecology issued to a public entity or jointly to a public entity and the system owner only when the health officer determines:
 - (A) An OSS is not feasible; and
 - (B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or
 - (iii) Abandon the property.
- (2) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under Section XVII (1).
- (3) The health officer shall permit a system that meets the requirements of Table IX only if the following are not feasible:
 - (a) Installation of a conforming system or component; and
 - (b) Connection to either an approved LOSS or a public sewer.

- (4) The person responsible for the design shall locate and design repairs to:
- (a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

TABLE IX
Treatment Levels for Repair of OSS Not Meeting
Vertical and Horizontal Separations¹

Vertical Separation (in inches)	Horizontal Separation ²											
	< 25 feet			25 < 50 feet			50 < 100 feet ³			100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
12 < 18 ⁴	NOT ALLOWED											A
18 < 24 ⁴												A
24 < 36 ⁴				A	A	A	A	A	A	Conforming Systems		
36	A	A	A	A	C	C	A	C	C			
48+	A	B	B	B	C	C	B	C	E			

¹The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

² The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

³On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, nonmarine surface water or surface water that is not a public water source and a vertical separation of greater than 36 inches, a conforming system that complies with Section XVIII (4) shall be installed if feasible.

⁴ Installation of a system in these situations will be reviewed on a case by case basis with requirements set by the health officer to provide the maximum protection to public health and the environment meeting all provisions of WAC 246-272A.

- (b) Protect drinking water sources and shellfish harvesting areas;

- (c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the plan under Section IV;
- (d) Prevent the direct discharge of sewage to groundwater, surface water, or upon the surface of the ground;
- (e) Meet the horizontal separations under Section XVII (1) to public drinking water sources;
- (f) Meet other requirements of this chapter to the maximum extent permitted by the site; and
- (g) Maximize the:
 - (i) Vertical separation;
 - (ii) Distance from a well, spring, or suction line; and
 - (iii) Distance to surface water.
- (5) Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.
- (6) If the vertical separation is less than 24 inches, the health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to groundwater, surface water, or upon the surface of the ground.
- (7) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:
 - (a) Treatment levels A or B where there is less than 24 inches of vertical separation;
 - (b) Treatment levels A or B in type 1 soils; or
 - (c) Treatment level C.
- (8) The health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.
- (9) An OSS owner receiving a repair permit for a system meeting the requirements of Table IX from the health officer shall:
 - (a) Immediately report any failure to the health officer;
 - (b) Comply with all requirements stipulated on the permit.

SECTION XXXI Expansions.

- (1) The health officer shall require an OSS and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

SECTION XXXII Abandonment.

Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil or gravel.

SECTION XXXIII Septage management.

- (1) The health officer shall approve an individual before they may remove septage from an OSS.

- (2) Persons removing septage from an OSS shall:
 - (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the health officer;
 - (b) Record and report septage removal as required by the health officer; and
 - (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

SECTION XXXIV Developments, subdivisions, and minimum land area requirements.

- (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the health officer as required by RCW 58.17.150.
- (2) The health officer shall require the following prior to approving any development:
 - (a) Site evaluations as required under Section XIX, excluding subsections (3)(a)(i) and (4)(d);
 - (b) Where a subdivision with individual wells is proposed:
 - (i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or
 - (ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;
 - (c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the health officer determines existing soils information allows fewer soil logs;
 - (d) Determination of the minimum lot size or minimum land area required for the development using Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the health officer may require larger lot sizes where the health officer has identified nitrogen as a concern either through planning activities described in Section IV or another process.

**TABLE X
Minimum Gross Land Area Requirement
Single-Family Residence or Unit Volume of Sewage**

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	0.5 acre	0.5 acre	0.5 acre	0.5 acre	0.5 acre
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	1 acres	1 acres
	2.5 acres ¹					

¹See Section XXII (5).

**Minimum Usable Land Area Requirement
Single Family Residence or Unit Volume of Sewage**

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public or Individual on each lot	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	0.5 acre

¹See Section XXII (5).

Submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

- (i) Install conforming OSS;
 - (ii) Assure preservation of reserve areas for proposed and existing OSS;
 - (iii) Properly treat and dispose of the sewage; and
 - (iv) Minimize public health effects from the accumulation of contaminants in surface and groundwater.
- (3) The health officer shall require lot areas of $\frac{1}{2}$ acre or larger except when a person proposes:
- (a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
 - (b) A planned unit development with:
 - (i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;
 - (ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;
 - (iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and
 - (iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.
- (4) The health officer may:
- (a) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;
 - (b) Require larger land areas or lot sizes to achieve public health protection;
 - (c) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and
 - (d) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:
 - (i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;
 - (ii) The lot complies with the minimum land area requirements in effect at the time the lot was created;
 - (iii) The lot is outside an area identified by the plan developed under section IV where minimum land area has been listed as a design parameter necessary for public health protection; and

- (iv) The proposed system meets all requirements of these regulations other than minimum land area.

SECTION XXXV Certification of installers, pumpers, and maintenance service providers.

- (1) OSS installers and pumpers must obtain approval from the health officer prior to providing services within a health jurisdiction.
- (2) The health officer may establish programs and requirements for approving maintenance service providers.

SECTION XXXVI Technical advisory committee.

WAC 246-272A-0400 Adopted by reference

SECTION XXXVII Policy advisory committee.

WAC 246-272A-0410 Adopted by reference

SECTION XXXVIII Waiver of state regulations.

- (1) The health officer may grant a waiver from specific requirements of this chapter and WAC 246-272A if:
 - (a) The waiver request is evaluated by the health officer on an individual, site-by-site basis;
 - (b) The health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;
 - (c) The health officer submits quarterly reports to the department regarding any waivers of WAC 246-272A approved or denied; and
 - (d) Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the health officer to grant waivers under this section until such inconsistencies have been corrected.

SECTION XXXIX Enforcement.

- (1) The health officer:
 - (a) Shall enforce the provisions of Benton-Franklin Board of Health Rules and Regulations No. 2 and WAC 246-272A; or
 - (b) May refer cases within the jurisdiction to the prosecutor's office or office of the attorney general, as appropriate.
- (2) When a person violates the provisions under this chapter, the department, health

- officer, prosecutor's office, or office of the attorney general 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:
- (a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;
 - (b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of Benton-Franklin Board of Health Rules and Regulations No. 2 and/or chapter 246-272A WAC;
 - (c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;
 - (d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and
 - (e) Civil or criminal action.
- (3) Orders authorized under this section include the following:
- (a) Orders requiring corrective measures necessary to effect compliance with Benton-Franklin Board of Health Rules and Regulations No. 2 and/or chapter 246-272A WAC 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, and approvals required by rule or statute are obtained.
- (4) Enforcement orders issued under this section shall:
- (a) Be in writing;
 - (b) Name the person or persons to whom the order is directed;
 - (c) Briefly describe each action or inaction constituting a violation of Benton-Franklin Board of Health Rules and Regulations No. 2 and/or chapter 246-272A WAC, or applicable code;
 - (d) Specify any required corrective action, if applicable;
 - (e) Specify the effective date of the order, with time or times of compliance;
 - (f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:
 - (i) Denial, suspension, or revocation of a permit approval or certification;
 - (ii) Referral to the office of the county prosecutor or attorney general; and/or
 - (iii) Other appropriate remedies.
 - (g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.
- (5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.
- (6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:
- (a) Failed or refused to comply with the provisions of Benton-Franklin Board of Health Rules and Regulations No. 2 or chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or
 - (b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.
- (7) For the purposes of subsection (6) of this section, Benton-Franklin Board of Health Rules and Regulations No. 2 and WAC 246-272A-0440, a person is defined to include:

- (a) Applicant;
- (b) Reapplicant;
- (c) Permit holder; or
- (d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:
 - (i) Board members;
 - (ii) Officers;
 - (iii) Managers;
 - (iv) Partners;
 - (v) Association members;
 - (vi) Agents; and
 - (vii) Third persons acting with the knowledge of such persons.

SECTION XL Notice of decision--Adjudicative proceeding.

- (1) The Benton-Franklin District Board of Health shall:
 - (a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of regulations; and
 - (b) Establish rules for conducting hearings requested to contest a health officer's actions.
- (2) Procedure for appeals are found in Appendix A

SECTION XLI Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

APPENDIX A

POLICY AND PROCEDURE FOR HEALTH OFFICER/ BOARD OF HEALTH HEARINGS AND APPEALS TO THE BOARD OF HEALTH

I. PURPOSE

The purpose of this policy is to enact an administrative process which will establish a procedure for submitting and processing requests for Hearings before the Health Officer and the Board of Health and a procedure for conducting Appeals to the Board of Health,.

II. SCOPE

This policy shall apply to all actions and decisions of the Benton-Franklin Health District except where a specific hearing and/or appeal procedure is provided.

III. HEALTH OFFICER HEARINGS

A. Submission of Request for Hearing.

1. Any person who is aggrieved by any action or decision made by the Benton-Franklin Health District may request a hearing before the Health Officer.
2. All requests shall be in writing and submitted to the Health Officer. Requests must be submitted within thirty (30) days following such action or decision.
3. All requests shall describe the action or decision for which the hearing is requested, and basis on which it is being contested.

B. Processing of Request for Health Officer Hearing

Within ten (10) working days after receipt of the request for hearing, the Health Officer shall take one of the following options: 1) Forward the request directly to the Board of Health for review. 2) Send a written Notification of Hearing to the person submitting the request. The Notification of Hearing shall, as a minimum, state the date, time and place of the Health Officer Hearing. The Health Officer shall set the date of the hearing to be within thirty (30) days following the date on which the Notification of Hearing was sent.

C. Hearing Procedure

1. Hearings shall be conducted by the Health Officer.
2. The person requesting the hearing shall be allowed to present evidence and discuss the issues.

3. The District personnel involved shall be present and allowed to present evidence and discuss the issues.
4. If upon completion of the above testimony and discussion the Health Officer feels that additional information is necessary he may request such information before rendering his decision. The Health Officer shall render his decision in writing within ten (10) days after conclusion of the hearing, or receipt of any additional information requested, whichever is later.

IV. APPEALS HEARINGS

A. Submission of Request for Appeal

1. Any person who is aggrieved by any action or decision made by the District may request an appeals hearing before the Board of Health: PROVIDED, that he or she shall have first requested and received a hearing before the Health Officer as provided in Section III or the request for appeal has been forwarded to the Board of Health by the Health Officer as in Section III B.
2. All requests for an appeals hearings before the Board of Health shall be in writing and submitted to the Health Officer. Requests must be submitted within thirty (30) days following the Health Officer's decision under Section III.4.
3. All requests shall contain a description of the action or decision for which the appeals hearing is requested and the basis for which it is being contested.

B. Processing Request for Appeal

Within fifteen (15) working days following receipt of the request for an appeals hearing, the Health Officer shall send a written Notification of Appeal Hearing to the person submitting the request. The Notification of Appeal Hearing shall, as a minimum, state the date, time and place of the Appeal Hearing. The Health Officer shall set the date of the Appeal Hearing to be at the next regularly scheduled Board of Health meeting or within thirty (30) days following the date on which the Notification of Hearing was received.

C. Hearing Procedure

1. The Chairman of the Board of Health shall serve as Chairman of the Appeal Hearing. Two members from each County of the District Board of Health shall constitute a quorum.

2. The person requesting the Appeal Hearing shall be allowed to present evidence and discuss the issues.
3. The District personnel involved shall be present and allowed to present the evidence and discuss the issues.
4. The Health Officer shall be allowed to discuss the issues, including the reasons for the decision rendered at the Health Officer's Hearing (if one has been held).

If upon completion of the above testimony and discussion the Board feels that additional information is necessary it may request such information before rendering its decision. The Board shall render its decision in writing within ten (10) days after conclusion of the hearing, or receipt of any additional information requested, whichever is later. Said decision by the Board of Health shall constitute a final action of this administrative process.