

EXHIBIT 1

Chapter 6.76 ON-SITE SEWAGE REGULATIONS

6.76.010 Authority.

Pursuant to the authority of Chapters 43.20.050, 70.05.060 RCW, These regulations are hereby established as minimum requirements of the Mason County Board of Health, governing on-site sewage systems in Mason County.

(Ord. No. 32-09, § 1, 4-7-2009)

6.76.020 Purpose.

The purpose of these regulations are to assure protection of public health by:

- (1) Minimizing the public health effects of on-site sewage systems on surface water and groundwater.
- (2) Minimizing the potential for public exposure to sewage.
- (3) Establishing design, installation, and management requirements for on-site sewage systems to accommodate effective treatment and disposal of sewage on a long-term basis.
- (4) Require a known level of treatment for sewage disposed in Mason County.
- (5) Enhance protection of environmentally sensitive areas within Mason County.

(Ord. No. 32-09, § 2, 4-7-2009)

6.76.030 Administration.

The Mason County Public Health Director, through authority delegated by the Mason County Board of Health and the Mason County Health Officer shall administer these regulations. Fees may be charged for this administration.

(Ord. No. 32-09, § 3, 4-7-2009)

6.76.040 Definitions.

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

"Board" shall mean the Mason County Board of Health.

"Community drainfields" shall mean a drainfield serving two or more residences on two or more parcels.

"Continuing education unit (CEU)" shall mean unit of credit customarily used for continuing education courses. One continuing education unit equals ten professional development hours.

"Department" shall mean the Mason County Public Health.

"Director" shall mean the Mason County Public Health Director or a member of the department authorized by and under the direct supervision of the Mason County Health Officer and Director.

"Health officer" shall mean the Mason County Health Officer or a member of the department authorized by and under the direct supervision of the Mason County Health Officer.

"Pit Toilet" is an on-site sewage disposal unit consisting of a structure overlying an excavation not exceeding five feet in depth in which human excrement (human feces and urine) is directly deposited for permanent placement in the ground.

"Professional development hour (PDH)" shall mean an hour engaged in a qualifying activity.

"Qualifying activity" shall mean any activity that is related to on-site wastewater treatment systems or will help the installer or operation and maintenance provider maintain their competency.

"Shared drainfield" shall mean two residences on one parcel sharing one drainfield with or without separate tanks.

"Significant periods of the year" shall mean from December 1 through March 31.

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

(Ord. No. 32-09, § 4, 4-7-2009)

6.76.050 Applicability.

These regulations shall apply to all on-site sewage systems except the following:

- (1) New construction for which a permit was issued prior to adoption of these regulations and which is still valid.
- (2) Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Ecology. Where these regulations are in conflict with Chapter 90.48 or 70.95 RCW, said RCW shall apply.
- (3) Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Health. Where these regulations are in conflict with 246-272B WAC.
- (4) Where any of the requirements of these regulations conflict with one another or with any requirements of Chapter 246-272A WAC, the more stringent requirement shall apply.

(Ord. No. 32-09, § 5, 4-7-2009)

6.76.060 Minimum standards and adoption by reference.

- (1) "Chapter 246-272A WAC, Rules and Regulations of the State Board of Health for On-Site Sewage Systems" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- (2) "Mason County Public Health On-Site Standards" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- (3) "Mason County's On-Site Sewage System Management Plan" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- (4) "Mason County Environmental Health Building Permit Policies" as presently adopted, and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public.

- (5) Permits shall be required prior to any construction, alteration, extension, relocation, or repair of any on-site sewage system. Permits shall be valid for three years from the signature date of the site inspection. Permits proposing repair of failed components shall be valid for one year from the signature date of the site inspection. Permit fees shall be charged according to the "Mason County Environmental Health Fee Schedule." Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.

(Ord. No. 32-09, § 6, 4-7-2009)

6.76.065 Adequate sewage disposal required.

- (1) Every residence, place of business, or other building or place where people congregate, reside or are employed shall be connected to a permitted public sewer or Large Onsite Sewage System approved by Washington State Department of Health or Onsite Sewage System approved by the health officer.
- (2) Any unit/facility with the protentional to generate wastewater by virtue of being equipped with a toilet, sink, shower or other plumbing fixtures shall be connected to a permitted public sewer or Large Onsite Sewage System approved by Washington State Department of Health or Onsite Sewage System approved by the health officer.
- (3) Installation and use of Pit Toilets for sewage disposal shall not be permitted nor considered an adequate form of sewage disposal in Mason County.

6.76.070 Operation and maintenance of on-site sewage systems.

- (1) On-site sewage systems shall be inspected as prescribed in 246-272A WAC and the Mason County Public Health On-Site Standards.
- (2) The homeowner or person contracted by the homeowner to perform the inspection service shall report fully on the status of the on-site sewage system, using the form and/or management service prescribed by the director.
- (3) The homeowner or person contracted by the homeowner to perform the inspection service shall report immediately any identified on-site sewage system failure to the department.
- (4) The system owner shall take necessary corrective action, as identified by the director, to correct deficiencies in system design and operation, when such deficiencies are documented through operation and maintenance inspections.
- (5) When a property contains and/or is served by an on-site sewage system, an inspection service report by a certified operations and maintenance specialist is required within 12 months:
 - (a) Prior to the sale of property or transfer of ownership.
 - (b) Prior to the application for residential or commercial building permit(s)
 - (c) Prior to other land use or governmental actions such as land divisions or boundary line adjustments

The inspection service report shall include the status and findings of all system components at time of the inspection and use the form prescribed by the director.

(Ord. No. 32-09, § 7, 4-7-2009)

6.76.080 Certified pumper requirements.

- (1) It shall be unlawful for any person, firm or corporation to engage in cleaning any septic tank, seepage pit or chemical toilet, or removing other accumulations of sewage without first obtaining a pumper's certificate from the department.
- (2) The requirements for pumper certification shall include all of the following:
 - (a) The applicant shall demonstrate having a certified disposal site for the septage or holding tank wastes.
 - (b) The applicant shall demonstrate sanitary equipment meeting the following requirements:
 1. The pump tank shall be of at least one thousand gallons in capacity, in good repair, and of cleanable construction.
 2. All outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit, and all premises served and equipment used shall be left in a clean and sanitary condition.
 3. All discharge valves shall be in good repair, free from leaks and fitted with watertight caps.
 4. The name of the operating firm shall be prominently displayed on the sides of any pump tank vehicle.
- (3) The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A pumper's certificate shall not be transferable.
- (4) Copies of all pumping reports shall be submitted to the Mason County Public Health office monthly.
- (5) A copy of the pumping report as prescribed by the health officer shall be given to the homeowner at the time of the service.

(6)

(Ord. No. 32-09, § 8, 4-7-2009)

6.76.090 Certified installer requirements.

- (1) It shall be unlawful for any person, firm or corporation to engage in installation, alteration, repair or modification of an on-site sewage system within Mason County without first obtaining an installer's certificate from the department except as noted in 246-272-0250 WAC.
- (2) Requirements for installer certification shall include all of the following:
 - (a) Presentation to the director of evidence showing a minimum of one year experience working with a certified installer or some other experience that can be demonstrated to the director as providing knowledge and skills equivalent to having worked with a certified installer for a minimum of one year.
 - (b) Prior to issuance of a certificate, the director shall require written examination of the applicant's knowledge of on-site sewage system principals and the rules, regulations, laws and ordinances affecting the public health and safety with respect to on-site sewage systems.
 - (c) The initial certification fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. An installer's certificate shall not be transferable.
 - (d) Prior to the issuance of an installer's certificate, the applicant shall provide verification to the department of their current status as a specialty contractor.
 - (e) The installer shall accumulate twelve professional development hours for any three-year period.

- (f) The installer is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The installer shall keep their records of continuing education for the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to the board upon request.

(Ord. No. 32-09, § 9, 4-7-2009)

6.76.100 Certified operation and maintenance specialist requirements.

- (1) It shall be unlawful for any person, firm or corporation to engage in operation and maintenance of an on-site sewage system within Mason County without first obtaining an operation and maintenance certificate from the department.
- (2) Any operation and maintenance inspection required by the department shall be performed by appropriate personnel as specified in the "Mason County Public Health On-Site Standards."
- (3) The requirements for maintenance specialist certification shall include all of the following:
 - (a) Presentation to the director of evidence showing a minimum of one year experience working with a certified maintenance specialist, working as a licensed designer or some other experience that can be demonstrated to the director as providing knowledge and skills equivalent to having worked with a certified maintenance specialist or as a licensed designer for a minimum of one year.
 - (b) Prior to issuance of a certificate, the director shall require written examination of the applicant's knowledge of on-site sewage system principals and the rules, regulations, laws, and ordinances affecting the public health and safety with respect to on-site sewage systems.
 - (c) The operation and maintenance specialist shall demonstrate to the director attendance of training in on-site wastewater treatment operation and maintenance at the northwest on-site wastewater training center or the equivalent.
 - (d) The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year, all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A maintenance specialist's certificate shall not be transferable.
 - (e) The operation and maintenance specialist shall accumulate twenty-four professional development hours for any three year period.
 - (f) The operation and maintenance specialist is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The operation and maintenance specialist shall keep their records of continuing education for the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to Mason County Public Health upon request.
- (4) Copies of all maintenance reports, as prescribed by the health officer, shall be submitted to the Mason County Public Health monthly.
- (5) A copy of the maintenance report, as prescribed by the health officer, shall be given to the homeowner at the time of service.

(Ord. No. 32-09, § 10, 4-7-2009)

(Ord. No. 32-09, § 11, 4-7-2009)

6.76.120 On-site sewage advisory committee.

- (1) The director shall establish and maintain an advisory committee called the on-site sewage advisory committee.
- (2) The advisory committee shall meet a minimum of once each year to evaluate department policies and procedures pertaining to the on-site sewage program, "Mason County Public Health Standards" and all relevant local ordinances and codes. The committee will present findings and make recommendations to the director and the board of health.
- (3) The advisory committee shall act under by-laws adopted by the Board. Copies of said document shall be kept on file and made available to the public at the Mason County Public Health office.

(Ord. No. 32-09, § 12, 4-7-2009)

6.76.130 Enforcement.

- (1) It shall be unlawful to discharge sewage from any on-site sewage system, including septic tank wastes and greywater to surface water or upon the surface of the ground.
- (2) It shall be unlawful to use or maintain a malfunctioning on-site sewage system. Upon the discovery of the existence of such a system, written notice of violation shall be given to the recorded owner and/or occupant of the premises. Upon failure to adequately repair and restore the sewage system to proper working order within the time frame stipulated on the written notice or thereafter amended, the premises may be vacated. Failure to so vacate shall constitute an additional violation.
- (3) No person shall discharge waste products other than domestic sewage into an on-site sewage system(s), except where it has been adequately demonstrated to the director that the nondomestic waste discharge would be consistent with the system design, good sanitary waste treatment and disposal practice, and not cause a water quality violation or violate hazardous waste materials disposal law.
- (4) No person shall use and maintain an on-site sewage system except in a manner that is appropriate to the design of the system.
- (5) The director may condemn and issue a Notice of Non-Occupancy, according to law, any residence or other establishment which is accumulating or disposing of sewage in a manner contrary to the requirements of these regulations. The Notice of Non-Occupancy shall be served to the owner of the property, either personally or by mailing a copy of the notice by regular and certified mail to the owner at his or her last known address. A copy of the Notice shall also be posted on the property where the alleged violation(s) occurred or is occurring. No person shall remain in or enter any building structure, or property which has been so posted, except that entry may be made to repair or correct any conditions causing or contributing to the threat to public health. No person shall remove or deface any such notice after it is posted until the required corrective action has been completed and approved.
- (6) All violations of these regulations are determined to be unlawful and declared to be detrimental to the public health, safety and welfare, and are public nuisances. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of these regulations shall be abated if provisions for their continuance made pursuant to these regulations are not satisfied.
- (7) In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates these regulations or by each act of commission or omission procures, aids or abets such violation, may be assessed a civil penalty not to exceed two hundred fifty dollars for each day of continuous violation to be directly assessed by the health officer until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent separate violations of the same regulation within any five-year period.

- (8) In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person who violates these regulations or by each act of commission or omission procures, aids or abets such violation, shall, upon conviction, be guilty of a misdemeanor. For purposes of these regulations, each section violated shall constitute a separate and distinct offense, and each day's violation shall constitute a separate and distinct offense. Penalty, upon conviction, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment.
- (9) Suspension of Certificate
- (a) A certificate may be suspended, after a hearing between the health officer and certificate holder, ~~that~~ when the holder has performed with negligence, incompetence, misrepresentation or failure to comply with the applicable rules, regulations, guidelines, policies or practices which pertain to water supply and waste water disposal, to have made fraudulent misrepresentation in making application for a certificate or authorization or to have made fraudulent misrepresentation in making application for a permit to install an on-site sewage system, either existing at the time of certification or as thereafter enacted.
 - (b) The health officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the health officer and the affected certificate holder(s).
 - (c) For the first confirmed violation under this subsection by certificate holders, the suspension period shall not exceed 30 days; and the second violation in any three-year period shall result in a suspension of the certificate for a period not less than 15 days and not to exceed 180 days.
 - (d) If the health officer suspends a certificate, the holder shall not proceed with any further work in connection with the activity covered by the certificate.
 - (e) The certificate holder shall be notified by certified mail of suspension of the certificate upon determination of a finding that a violation has occurred requiring suspension.
- (10) Revocation of Certificate
- (a) A certificate may be revoked for repeated violation of any of the requirements of these regulations or any other applicable regulation or if, after a hearing with the board of health, the holder of such certificate shall be found grossly incompetent or negligent, or to have made fraudulent misrepresentations in making application for a certificate or for a permit to install an on-site sewage system, or should the bond or insurance required herein be canceled.
 - (b) The health officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the health officer and the affected certificate holder(s).
 - (c) The third notice of violation issued within any 12-month period shall be considered as repeated violations and result in certificate revocation
 - (d) If the board of health revokes a certificate, the holder shall not proceed with any further work in connection with the activity covered by the certificate.
 - (e) The certificate holder shall be notified by certified mail of revocation of the certificate upon determination of a finding that a violation has occurred requiring revocation.
 - (f) If, after revocation of a certificate, the applicant desires to reapply for a certificate, the applicant must wait six months prior to reapplication. Any person whose certificate has been revoked will be required to pay all applicable fees and take and pass the written examination again before issuance of a new certificate.

(Ord. No. 32-09, § 13, 4-7-2009)

6.76.140 Appeals.

- (1) Decisions of the health officer pertaining to the certification of pumpers, installers and operation and maintenance specialists may be appealed to the board of health within 15 working days of the decision which is being disputed .
- (2) All other decisions of the director may be appealed to the health officer. Appeals must be made in writing to the director within ten working days of the decision which is being disputed. A hearing date shall be scheduled with the health officer to be held within thirty days of said decision being appealed.
- (3) Determinations of the health officer may be appealed to the hearings examiner. Appeals must be made in writing to the director within ten working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting.
- (4) Departmental orders and determinations shall be stayed for the period the appeal is pending, provided no surfacing sewage or public health hazard results from said stay.
- (5) Any variations from these regulations resulting in requirements less stringent than those found in Chapter 246-272A WAC shall have concurrence from the Washington State Department of Health.
- (6) Administrative hearings shall be conducted in accordance with Mason County Office of Environmental Health Variance and Appeal Procedure. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.

(Ord. No. 32-09, § 14, 4-7-2009)

6.76.150 Waivers.

- (1) The health officer may grant a waiver from specific requirements within this chapter if:
 - (a) The waiver request is evaluated by the local health officer or delegated county staff on an individual, site by site basis.
 - (b) The standards are more stringent than the standards of chapter 246-272A WAC, or from provisions in these regulations that are not contained in Chapter 246-272A WAC without Washington State Department of Health approval.
 - (c) The waiver is submitted with any corresponding mitigation measure(s) to assure that the public health and water quality protection, at least equal to that established by these rules, is provided.
 - (d) The waiver is submitted with all necessary forms provided by the department and applicable review fee(s) according to the current Environmental Health Fee Schedule.
 - (e) The local health officer determines that the waiver is consistent with the standards in, and the intent of, the rules of this chapter and chapter 246-272A WAC.