

## **Title 8**

### **HEALTH AND SAFETY**

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#### **Chapter 8.04**

### **ABANDONED VEHICLES**

Sections:

**8.04.001 Purpose.**

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**8.04.020 Enforcement authority.**

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#### **8.04.001 Purpose.**

It is the purpose of this chapter to:

- A. Establish procedures for the abatement and removal of junk vehicles and parts thereof as public nuisances pursuant to RCW 46.55.240;
- B. Enhance the aesthetic qualities of Grays Harbor County;
- C. Preserve the natural environment;
- D. Conserve and maintain property values;

E. Protect the health of the public;

F. Provide for the public safety.

(Ord. No. 380, § 1, 4-27-2009)

#### **8.04.005 Definitions.**

For purposes of this chapter, the following definitions shall be applicable:

"Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such as damage including, but not limited to, any of the following: a broken window, or windshield or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the value of the approximate value of the scrap in it.

A "junk vehicle" shall not include equipment used in the production of livestock or crops, including, but not limited to, mowers, harvesters, loaders, slaughter machinery, agricultural tractors, farm engines, farm trailers, farm carts, and farm wagons, but excluding automobiles and trucks.

"Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles and tractors, excepting devices moved by human or animal power.  
(Ord. No. 380, § 2, 4-27-2009)

#### **8.04.010 Storage prohibited.**

It is unlawful for any person to store or allow to be stored any junk vehicle or vehicles on any private property within the county.  
(Ord. 41 § 1, 1969)  
(Ord. No. 380, § 3, 4-27-2009)

#### **8.04.020 Enforcement authority.**

The planning and building director or his or her duly authorized designee (code compliance officer) shall enforce this chapter and shall be responsible for the abatement and removal of any junk vehicle or part thereof as a public nuisance. The sheriff shall provide such assistance as is necessary to comply with the provisions of section 8.04.040.  
(Ord. 112 (part), 1983: Ord. 41 § 2, 1969)  
(Ord. No. 380, § 4, 4-27-2009)

#### **8.04.030 Exemptions.**

This chapter shall not apply to:

- A. Any vehicle or part thereof which is completely enclosed within a building in a lawful manner or which is otherwise not visible from any street or any public property; or
- B. Any vehicle or part thereof stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, junk salvage/wrecking yard or licensed vehicle dealer, located on properly zoned property and fenced in accordance with the provisions of RCW 46.80.130; or
- C. One vehicle only, which is actively being restored, repaired, or reconditioned, plus two other vehicles for parts supply for said vehicle. If this project is not completed within two years, the vehicle must be removed as prescribed in this chapter.

(Ord. 41 § 3, 1969)

(Ord. No. 380, § 5, 4-27-2009)

#### **8.04.040 Abatement procedures.**

A. Investigation and determination. Whenever it shall appear to the code compliance officer that there may be a violation of this chapter, he or she shall request the sheriff to investigate the matter and determine whether or not to authorize disposal, as provided for in RCW 46.55.230(1).

B. Initial notices. If the sheriff authorizes disposal of a junk vehicle, written notices shall be sent to the registered and legal owners of the vehicle, advising them of the violation, their right to remove the vehicle without penalty, and the fact that, if it is not removed, the county will declare it a public nuisance and initiate abatement procedures, in which case the costs of removal may be assessed against the registered owner.

If the owner of the land where the junk vehicle is located is not the registered or legal owner of the vehicle, a written notice shall be sent to the landowner, informing them that the county may initiate a proceeding to abate the nuisance under this chapter and of the possibility that the cost of removal could be assessed against the landowner.

C. Notice of abatement. If the junk vehicle is not removed within sixty (60) days from the date the notices required by subsection B were sent, a notice of abatement shall be mailed by certified mail, with a five-day return receipt requested, to the registered owner and to the landowner. The notice shall inform them that a hearing may be requested and that if no hearing is requested, the vehicle may be removed by the county and the costs of removal and disposal assessed against them.

D. Notice of hearing. If a hearing is requested, a notice of hearing shall be mailed by certified mail, with a five-day return receipt requested, to the registered owner and to the landowner, advising them of the time, date and location for the hearing. The notice shall inform the landowner that if he or she is not also the registered owner of the vehicle, they may appear at the hearing or present a written statement for consideration at the hearing, denying responsibility for the presence of the vehicle on their land and giving the reasons for the

denial.

E. Abatement hearing. The abatement hearing shall be before the board of adjustment. The only issues to be heard are whether or not a proper determination has been made that the vehicle is a junk vehicle and whether or not either the landowner or the registered owner should be relieved from the obligation to pay the costs of the removal and disposal. The determination of the sheriff that the vehicle is a junk vehicle shall be presumed correct and the burden shall be on the owner of the land or the owner of the vehicle to prove otherwise.

The cost of removal and disposal shall not be assessed against the registered owner if he or she can show that they complied with the provisions of RCW 46.12.101 in connection with their transfer of ownership of the vehicle. Such costs shall not be assessed against a landowner who is not also the registered owner of the vehicle if he or she can show that the vehicle was placed on their property without their express or implied consent and that they have not subsequently acquiesced to its presence.

F. Proper parties. Notices which are to be sent to the landowner shall be addressed to the person shown on the last equalized assessment roll maintained by the Grays Harbor County Assessor as the owner of the property where the junk vehicle is located, using the address on such roll. Notices which are to be sent to the registered owner of the vehicle shall be addressed to the person last shown as such in the records of the state of Washington Department of Licensing, using the address in such records.

In circumstances where the name of the registered owner can not be determined due to the condition of the vehicle or the refusal of the landowner to allow the code compliance officer or members of the sheriff's office to enter the property in order to closely inspect the vehicle, the abatement procedure provided for above may proceed upon notice only to the landowner.

(Ord. 112 (part), 1983; Ord. 41 § 4, 1969)

(Ord. No. 380, § 6, 4-27-2009)

#### **8.04.050 Violation and enforcement.**

A. A violation of this chapter shall be and hereby is declared to be both a public nuisance and a Class 1 civil infraction, as defined in Chapter 7.80 RCW. Each day that a violation exists shall be treated as a separate infraction.

B. In addition to or as an alternative to proceeding with the abatement procedures set forth above, the county may issue a notice of infraction.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in RCW 7.80.120

(Ord. 41 § 5, 1969)

(Ord. No. 380, § 7, 4-27-2009)

**Editors Note:** Ord. No. 380, § 8, adopted Apr. 27, 2009, repealed §§ 8.04.060, 8.04.070, respectively which pertained to failure to comply with abatement--Removal by sheriff; violation--Penalty and derived from Ord. 41, §§ 6, 7, 1969.

### **Chapter 8.08**

## **FIREWORKS**

Sections:

- 8.08.010 Chapter 70.77 RCW adopted by reference.
- 8.08.020 Sale of common fireworks.
- 8.08.030 Public displays of fireworks.
- 8.08.040 Fireworks stand.
- 8.08.050 Appeals.
- 8.08.060 Unlawful possession or discharge.
- 8.08.070 Violations--Misdemeanor.

**8.08.010 Chapter 70.77 RCW adopted by reference.**

A. The following sections of Chapter 70.77 RCW, as amended, relating to the manufacture, importation, possession, sale, discharge, display or transportation of fireworks are adopted by reference as though fully set forth in this chapter:

RCW 70.77.160	RCW 70.77.260	RCW 70.77.425
.165	.265	.430
.170	.270	.435
.175	.280	.450
.180	.285	.480
.190	.290	.485
.200	.295	.510
.205	.395	.515
.210	.405	.520
.215	.410	.525
.230	.415	.530
.255	.420	.535
		.545

B. Furthermore, each section designated as a "NEW SECTION" in all enactments by the Legislature of the state of Washington amending Chapter 70.77 RCW, is adopted by reference herein as though fully set forth in this chapter. All requirements of this chapter including statutory provisions adopted by reference are prohibitory.  
(Ord. 341 § 1, 2005: Ord. 287 § 1, 2001: Ord. 109 § 1, 1982)

**8.08.020 Sale of common fireworks.**

Sale of consumer fireworks shall be limited to retail premises issued a current fireworks permit. No retail fireworks permit shall be issued to a retail establishment selling nonfirework items. For

fireworks permits issued pursuant to this section, the planning and building division shall place appropriate controls and conditions on the numbers, location, placement and size of fireworks stands necessary to preserve public safety. Permit applicants shall meet the following minimum requirements:

- A. The location of fireworks stands shall conform to all applicable zoning requirements of Title 17 of this code.
- B. Applicant shall submit a copy of the legal description of the property on which the stand is to be located.

- C. Applicant shall submit a letter from the property owner authorizing the placement of the stand on the property.
- D. Applicant shall submit a site map indicating the location of the stand and the distances from property lines and structures.
- E. Applicant shall submit written proof of liability insurance coverage as specified in RCW 70.77.381.
- F. The operation of fireworks stands shall conform to all current state requirements governing retail sales of fireworks.
- G. The applicant shall pay a fireworks stand permit fee as established by resolution adopted by the board of commissioners.

Prior to the operation of a fireworks stand, the planning and building division shall complete a site inspection to verify compliance with the requirements of this chapter. The applicant shall notify the division at least twenty-four (24) hours in advance of the requested inspection time that the stand is ready for inspection. (Ord. 341 § 2, 2005; Ord. 109 § 2, 1982)

#### **8.08.030 Public displays of fireworks.**

- A. Public fireworks displays shall conform to all current state requirements governing such displays.
- B. A public fireworks display applicant shall pay a fireworks display permit fee as established by resolution adopted by the board of commissioners. (Ord. 341 § 3, 2005; Ord. 109 § 3, 1982)

#### **8.08.040 Fireworks stand.**

"Fireworks stand" means a fixed location or place of business where a retailer sells, transfers or gives consumer fireworks to a consumer or user. (Ord. 341 § 4, 2005)

#### **8.08.050 Appeals.**

Any person denied issuance of a fireworks permit may appeal the decision to the board of commissioners. Such appeals shall be submitted in writing to the clerk of the board of commissioners within ten (10) days from the date of the decision appealed. (Ord. 341 § 5, 2005)

#### **8.08.060 Unlawful possession or discharge.**

It shall be unlawful to discharge or possess any class or kind of fireworks in violation of the provisions

of this chapter or Chapter 70.77 RCW.  
(Ord. 341 § 6, 2005)

### **8.08.070 Violations--Misdemeanor.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed one year, or by both such fine and imprisonment.  
(Ord. 341 § 7, 2005)

## **Chapter 8.12**

### **LITTER CONTROL**

Sections:

- 8.12.010 Short title.
- 8.12.020 Purpose.
- 8.12.030 Definitions.
- 8.12.040 Littering.
- 8.12.050 Accumulation of litter.
- 8.12.060 Improper disposal of litter.
- 8.12.070 Brush and yard waste.
- 8.12.080 Abandonment of buildings.
- 8.12.090 Forceful evictions.
- 8.12.100 Vehicle loading.
- 8.12.110 Sweeping litter in gutter prohibited.
- 8.12.120 Enforcement by public works.
- 8.12.130 Entry upon property in course of duty.
- 8.12.140 Evidence.
- 8.12.150 Lack of evidence.
- 8.12.160 Handbills and signs.
- 8.12.170 General violation procedures.
- 8.12.180 Violations--Penalties.

### **8.12.010 Short title.**

This chapter shall be known and may be commonly referred to as the "litter control ordinance."  
(Ord. 250 § 1, 1998)

### **8.12.020 Purpose.**

The purpose of this chapter is to accomplish litter control in Grays Harbor County. This chapter is intended to place upon all persons, the duty of contributing to the public cleanliness of the county and appearance in order to promote the public health, safety, and welfare and to protect the economic interests of the people of the county against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incidental to littering.

Furthermore, it shall place upon all persons the responsibility of properly disposing of their own litter. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of Grays Harbor County or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in

consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of Grays Harbor County by its officers, employees, or agents.  
(Ord. 250 § 2, 1998)

### **8.12.030 Definitions.**

When used in this chapter, the following terms have the meanings given below:

"Abandon" means to give up, forsake, or desert with no intent or attempt to return to, or have any further use for.

"County" means Grays Harbor County.

"Department" means the Grays Harbor County department of public services.

"Designee" means the litter control officer or other staff as may be directed by the director of public services department.

"Director" means the director of public services department.

"Litter" means all solid and semisolid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, demolition and construction wastes, vehicle parts, and discarded commodities. This includes all liquid, solid, and semisolid materials which are not the primary products of public, private industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from waste water treatment plants and septic tank seepage, dangerous waste, problem waste and wood waste, but not including wood wastes from forest road construction and logging operations that are otherwise regulated by the Forest Practices Act as administered by the Washington State Department of Natural Resources.

"Litter receptacle" means those adopted by the Department of Ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

"Proper disposal" means deposit of litter at a permitted landfill or transfer station, or hauled by a licensed hauler, or at a recycling center.

"Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

"Recycling" means the process of separating, cleansing, treating, and reconstituting used or discarded litter related materials for the purpose of recovering and reusing the resources contained therein.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without

limitation, automobiles, trucks, motorcycles, tractors and any other device moved by human or animal power.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft.

"Whitegood" means any appliance, including, but not limited to, ranges, washers, dryers, hot water tanks, freezers, refrigerators, or dishwashers.

(Ord. 250 § 3, 1998)

(Ord. No. 380, § 9, 4-27-2009)

#### **8.12.040 Littering.**

No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public place in the county or upon any private property, or in any waters within the jurisdiction of the county, whether from a vehicle or otherwise, including but not limited to any sidewalk, street, alley, highway, county road, or park, except:

- A. When such property is permitted by the county for disposal of garbage, refuse, or wood wastes, and such person is authorized by the proper public authority to so use such property. The disposal of any wastes shall be confined to the county-designated disposal site(s), which currently exist or may exist in the future;
- B. Into a litter receptacle or other container in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the public place or any private property.

(Ord. 250 § 4, 1998)

#### **8.12.050 Accumulation of litter.**

It is unlawful for the owners or occupants of any property, public or private, to deposit or accumulate, or to knowingly or intentionally permit the deposit or accumulation of, litter upon such property; provided, however, that this shall not prohibit the storage of garbage or rubbish, in public or private litter receptacles, when approved by the litter control officer, or in garbage cans or in securely tied bundles when such garbage cans or bundles are for immediate disposal, or for the waste of the primary processes of mining, logging, saw milling, farming or manufacturing to be collected and piled for temporary on-site storage while waiting for transportation to permitted disposal sites; provided, however, that the temporary storage piles shall be removed by the owner or operator within thirty (30) days of the last date of operation, or issuance of citation, and no raw garbage is mixed with the waste; provided, further, that the use of a compost pile or bin, shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent the attraction, breeding, and/or harboring insects and rodents; provided the use of composting will not cause a public nuisance or be in violation of any other state or local laws, rules, or regulations.

(Ord. 250 § 5, 1998)

#### **8.12.060 Improper disposal of litter.**

- A. It is a violation of this ordinance for any person to abandon litter in a residence, vehicle or business.

B. It is a violation of this chapter for an owner or occupant of the property to allow another person to haul litter away unless that person obtains written proof of proper disposal at a permitted landfill or transfer station.  
(Ord. 250 § 6, 1998)

**8.12.070 Brush and yard waste.**

No person shall deposit, discard, or otherwise dispose of brush, yard, or garden waste, or any other type of landscaping waste, upon any land, public or private, within Grays Harbor County, unless the person has permission of the property owners or occupant to so dispose of the waste. Such disposal of the waste shall be in an orderly manner for the purpose of composting or burning, and shall not cause a public nuisance or be in violation of any other state or local law, rules, or regulations.  
(Ord. 250 § 7, 1998)

**8.12.080 Abandonment of buildings.**

It is unlawful for the owner or occupant of any property, public or private, within Grays Harbor County, to permit any building or structure of any kind to be abandoned to where such building is used for dumping litter in violation of the litter control ordinance. The owner or occupant of such building shall secure the building to prevent the accumulation of litter on the property and shall dispose of the debris and litter in conformity with the provisions of the litter control ordinance.  
(Ord. 250 § 8, 1998)

**8.12.090 Forceful evictions.**

Once personal property and/or solid waste has been placed onto public access pursuant to a court ordered eviction per RCW Chapter 59, the owner of the personal property or their designee, shall have twenty-four (24) hours to remove the personal property and/or solid waste off the public access. If after twenty-four (24) hours the owner or designee has not removed the personal property off of the public access, the materials shall be deemed abandoned and shall be considered as litter and the property owner shall have the right to remove the personal property and/or solid waste for proper disposal. In addition, the owner of the personal property shall be deemed to be in violation of the litter control ordinance and shall be subject to the provisions of that ordinance.  
(Ord. 250 § 9, 1998)

**8.12.100 Vehicle loading.**

Any person owning or operating a vehicle from which any refuse, garbage, rubbish, ashes, or any other objects, or parts of, or the whole of its load has fallen or escaped, which would constitute an obstruction or damage a vehicle or otherwise endanger travel, or create an unsightly mess upon such public highway or road shall immediately cause such public highway or road to be cleaned of all such material or other objects and shall pay any and all cost therefore, and may be subject to a fine under Section 8.12.170.  
(Ord. 250 § 10, 1998)

#### **8.12.110 Sweeping litter in gutter prohibited.**

No person shall sweep into or cause to be deposited in any gutter, street, alley, or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.  
(Ord. 250 § 11, 1998)

#### **8.12.120 Enforcement by public works.**

The director of Grays Harbor County department of public services, through his or her designees, is authorized to enforce the provisions of this chapter and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of this chapter.  
(Ord. 250 § 12, 1998)

#### **8.12.130 Entry upon property in course of duty.**

The litter control officer may enter upon lands or waters and remain there for the purpose of performing his or her duties without the liability of trespass.  
(Ord. 250 § 13, 1998)

#### **8.12.140 Evidence.**

Whenever litter or other solid waste dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose names appears on such items committed the unlawful act of dumping, or that the individual unlawfully abandoned litter or that the individual allowed another person to haul litter away without requiring proof of proper disposal.  
(Ord. 250 § 14, 1998)

#### **8.12.150 Lack of evidence.**

When the litter control officer investigates a case of unlawful dumping and finds no identification, or evidence, the Grays Harbor County department of public services, through his or her designees, may enter the property, with prior permission of the property owner, and remove the litter or solid waste or take appropriate measures to bring the property into compliance with the provisions of this chapter; provided, that the reasonable costs of removal may be assessed against the property owners.  
(Ord. 250 § 15, 1998)

#### **8.12.160 Handbills and signs.**

No person shall throw or deposit any handbill, sign, or other notice upon any public place or public or private vehicle or upon any uninhabited or vacant private property within the county; provided, however, that it shall not be unlawful for any person to hand out any handbill on private property with permission of the owner; for persons running for public office to post campaign signs with the permission of the owner of any property; or for public officers performing official duties to place such official notices or warnings as may be appropriate to law enforcement, public notice and public safety; provided, however, that any such handbills, signs, or other notices shall be removed within fifteen (15) days of the last effective date of the handbill, sign, or notice.

The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property.  
(Ord. 250 § 18, 1998)

#### **8.12.170 General violation procedures.**

A. Whenever an individual is identified as being in violation of this chapter, the individual may be notified of such violation by certified mail, return receipt requested, sent to the last known address. The notice of violation shall contain:

1. The name and address of the person to whom the notice of violation is directed;
2. A description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;
3. A description of the nature of the violation;
4. A request for the person to contact the litter control agent for instructions on the cleanup and removal of the material which created the violation.

B. If the individual does not respond to the violation notice, or fails to clean up the material within fifteen (15) days from their receipt of the violation notice, a citation may be issued.  
(Ord. 250 § 17, 1998)

#### **8.12.180 Violations--Penalties.**

A. Any violations of the provisions of this chapter is made a Class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot, and a Class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot.

B. Unless suspended or modified by the court, a person found in violation of this chapter shall also pay a litter cleanup fee of twenty-five dollars (\$25.00) per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. Assessment of a litter cleanup shall not limit in any way a property owner's rights or remedies as provided in subsection C of this section.

C. In addition to the penalty imposed under subsections A and B of this section, violation of this chapter is declared to be a public nuisance and the owner of any interest in property, public or private, may recover from the offender all necessary and reasonable expenses incurred in the clean up and removal of any materials deposited in a manner contrary to this chapter.  
(Ord. 250 § 16, 1998)

## Chapter 8.16

### ON-SITE SEWAGE SYSTEM

#### Sections:

- 8.16.010 Purpose, objectives and authority.
- 8.16.020 Administration.
- 8.16.030 Definitions.
- 8.16.040 Applicability.
- 8.16.050 Connection to public sewer system.
- 8.16.060 Permit requirements.
- 8.16.070 Location.
- 8.16.080 Soil and site evaluation.
- 8.16.090 Design requirements--General.
- 8.16.100 Design requirements--Septic tank sizing.
- 8.16.110 Design requirements--Soil dispersal components.
- 8.16.120 Design requirements--Facilitate operation, monitoring and maintenance.
- 8.16.130 Holding tank sewage systems.
- 8.16.140 Installation.
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- 8.16.160 Operation, monitoring and maintenance--Owner responsibilities.
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- 8.16.170 Repair of failures.
- 8.16.180 Expansions.
- 8.16.190 Existing system evaluations.
- 8.16.200 Abandonment.
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- 8.16.220 Developments, subdivisions, and minimum land area requirements.
- 8.16.230 Areas of special concern.
- 8.16.240 Certification of installers, pumpers, and maintenance service providers.
- 8.16.270 Waiver of state regulations.
- 8.16.280 Enforcement.
- 8.16.290 Notice of decision--Adjudicative proceeding.
- 8.16.300 Recommended standards.
- 8.16.310 Fee schedule.

#### **8.16.010 Purpose, objectives and authority.**

A. The purpose of this chapter is to protect the public health by minimizing the potential for public exposure to sewage from on-site sewage systems and adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

B. This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

1. Achieve long-term sewage treatment and effluent dispersal; and
2. Limit the discharge of contaminants to waters of the state.

C. This chapter establishes rules and regulations governing on-site sewage disposal systems and water supplies; providing for licensing those engaged in design, construction, and maintenance of on-site sewage disposal systems; establishing licenses and fees thereof; providing for the establishment of a designer program and providing penalties for the violation thereof.

(Ord. 2007-1 § 1, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.010, 1994)

### **8.16.020 Administration.**

The local health officer and the local board of health shall administer this chapter under the authority and requirements of Chapters 70.05, 70.08, 70.118, 70.46 and 43.70 RCW. The county health officer is authorized to charge fees for administration of this chapter. The local health officer may authorize the Environmental Health Division director and his or her designee(s) to further administer the requirements of this chapter.

(Ord. 2007-1 § 2, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.020, 1994)

### **8.16.030 Definitions.**

A. Acronyms used in this chapter:

"ANSI" means American National Standards Institute.

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

"CBOD<sub>5</sub>" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"FC" means fecal coliform, typically expressed in number colonies/one hundred (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.

B. Definitions used in this chapter:

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

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

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

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

"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:

1. Systems in full compliance with new construction requirements under this chapter; or
2. Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or
3. Systems or repairs permitted by the waiver process under Section 8.16.270 that assures public health protection by higher treatment performance or other methods.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten (10) 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 (100) percent (forty-five (45) degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:

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"Department" means the Washington State Department of Health.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four (24) 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.

"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.

"Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any 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-quarters 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.

"Existing system" means an on-site sewage system already in the ground which may or may not have a permit on file.

"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:

1. 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
2. Reduces the treatment or disposal 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 (60) percent or more, but less than ninety (90) 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:

1. Sewage on the surface of the ground;
2. Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
3. Sewage leaking from a sewage tank or collection system;
4. Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
5. Inadequately treated effluent containing groundwater or surface water; or
6. 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 one hundred (100) ml.

"Gravelly" means soils with fifteen (15) percent or more, but less than thirty-five (35) 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.

"Groundwater" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of groundwater include:

1. Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports;
2. Spots or blotches of different color or shades of color interspersed with a dominant color in soil, 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."

"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 (gals./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 stormwater 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 a local health officer to install on-site sewage systems or components.

"Local health officer" means the health officer of the Grays Harbor County health department or a representative authorized by and under direct supervision of the county health officer.

"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.

"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.

"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:

1. The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and
2. 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.

"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 development 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, 2007."

"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:

1. 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
2. Approved by or under permit from the Department of Ecology, the Department of Health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport wastewater 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 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 system" see "on-site sewage system" or "OSS."

"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.

"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:

1. CBOD<sub>5</sub>, TSS, and O&G;
2. Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;
3. 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.

"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 disposal 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 Section 8.16.110(B)(5).

"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, now or as hereafter amended, 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, and N) used in these rules to:

1. Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and
2. 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.

"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:

1. Flow from a single-family residence;
2. Flow from a mobile home site in a mobile home park; or
3. Four hundred fifty (450) gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

"Vertical separation" means the depths 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:

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"Very gravelly" means soil containing thirty-five (35) percent or more, but less than sixty (60) 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:

1. A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
  2. An observation or monitoring well used to measure the effect of an OSS on a water table; and
  3. An interceptor or curtain drain constructed to lower a water table.
- (Ord. 2007-1 § 3, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.030, 1994)

#### **8.16.040 Applicability.**

- A. The local health officer:

1. Shall apply this chapter to OSS treating wastewater and dispersing effluent from residential sources with design flows up to three thousand five hundred (3,500) gallons per day;
  2. May apply this chapter to OSS for nonresidential sources if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.
- B. A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:
1. Shall be acted upon in accordance with regulations in force at the time of issuance;
  2. Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and
  3. May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.
- C. This chapter does not apply to facilities regulated as reclaimed water use under Chapter 90.46 RCW.  
(Ord. 2007-1 § 4, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.040, 1994)

**8.16.050 Connection to public sewer system.**

- A. When adequate public sewer services are available within two hundred (200) feet of the residence or facility, the county health officer, upon the failure of an existing on-site sewage system may:
1. Require hook-up to a public sewer system; or
  2. Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.
- B. Except as noted in subsection A of this section, the owner of a failure shall abandon the OSS under Section 8.16.200 and connect the residence or other facility to a public sewer system when:
1. The distance between the residence or other facility and an adequate public sewer is two hundred (200) feet or less as measured along the usual or most feasible route of access; and
  2. The sewer utility allows the sewer connection.
- C. The owner of a residence or other facility served by a system meeting the requirements of Table VI of this chapter shall abandon the OSS according to the requirements specified in Section 8.16.200, and connect the residence or other facility to a public sewer system when:

1. Connection is deemed necessary to protect public health by the county health officer;
2. An adequate public sewer becomes available within two hundred (200) feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
3. The sewer utility allows the sewer connection.

D. The county board of health may require a new development to connect to a public sewer system to protect public health.

E. New development or a development with a failing system shall connect to a public sewer system if it is required by the county comprehensive land use plan or development regulations.  
(Ord. 2007-1 § 5, 2007)

#### **8.16.060 Permit requirements.**

A. 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 county health officer:

1. General information including:
  - a. Name and address of the property owner and the applicant at the head of each page of submission;
  - b. Parcel number and if available, the address of the site;
  - c. Source of drinking water supply;
  - d. Identification if the property is within the boundaries of a recognized sewer utility;
  - e. Size of the parcel;
  - f. Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;
  - g. Source of sewage, for example, residence, restaurant, or other type of business;
  - h. Location of utilities;
  - i. Name of the site evaluator;
  - j. Name, signature and stamp of the designer;
  - k. Date of application; and

1. Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.
2. The soil and site evaluation as specified under Section 8.16.110.
3. A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:
  - a. Designated areas for the proposed initial system and the reserve area;
  - b. The location of all soil logs and other soil tests for the OSS;
  - c. General topography and/or slope;
  - d. Drainage characteristics;
  - e. 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
  - f. An arrow indicating north.
4. A detailed system design meeting the requirements under Sections 8.16.090 through 8.16.120 including:
  - a. 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;
  - b. Vertical cross-section drawings showing:
    - i. The depth of the soil dispersal component, the vertical separation, and depth of cover material; and
    - ii. Other new OSS components constructed at the site.
  - c. Calculations and assumptions supporting the proposed design, including:
    - i. System operating capacity and design flow;
    - ii. Soil type; and
    - iii. Hydraulic loading rate in the soil dispersal component.
5. Any additional information as deemed necessary by the county health officer.

B. 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 county health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

C. The county health officer may develop the information required in subsection A of this section if authorized by local regulations.

D. The county health officer shall:

1. Respond to an application within thirty (30) days as required in RCW 70.05.074.
2. Permit only public domain technologies that have departmental RS&G. Permit only proprietary products that are registered by the department. During the period of transition from the list of approved systems and products to the registered list, the county health officer may permit products on the list of approved systems and products.
3. Issue a permit when the information submitted under subsection A of this section meets the requirements contained in this chapter and in department regulations;
4. Identify the permit as a new installation, repair, expansion, modification, or operational permit;
5. Specify the expiration date on the permit. The expiration date may not exceed two years from the date of environmental health division determination (i.e., approved, hold, or request for more information). New system issued permits may be extended for one additional year if renewed before the expiration date, including payment of the appropriate fee therefor, conditions of the site and the proposal have not changed. All repair permits expire six months after environmental health division determination.
6. Include a reminder on the permit application of the applicant's right of appeal; and
7. If requiring an operational permit, state the period of validity and the date and conditions of renewal.

E. The county health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:

1. Construction or continued use of an OSS that threatens the public health;
2. Misrepresentation or concealment of material fact in information submitted to the county health officer; or
3. Failure to meet conditions of the permit, this chapter or any local regulations.

F. Before the county health officer issues a permit for the installation of an OSS to serve more than

one development, the applicant shall show:

1. An approved public entity owning or managing the OSS in perpetuity; or
2. A management arrangement acceptable to the local health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:
  - a. A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and
  - b. Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

G. The county health officer shall not delegate the authority to issue permits.

H. The county health officer may stipulate additional requirements for a particular permit if necessary for public health protection.  
(Ord. 2007-1 § 6, 2007)

#### **8.16.070 Location.**

A. Persons shall design and install OSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

B. If any condition indicates a greater potential for contamination or pollution, the county 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.

C. The county health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, in-ground swimming pool, or building foundation is up-gradient.

D. 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 (75) feet, by the county health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:

1. Adequate protective site-specific conditions, such as physical settings with low hydrogeologic 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

#### TABLE I

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 <sup>1</sup>	100 ft.	50 ft.	50 ft.
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 swimming 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 <sup>2</sup>	30 ft.	5 ft.	N/A
Up-gradient <sup>2</sup>	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient <sup>2</sup>	30 ft.	5 ft.	N/A
Up-gradient <sup>2</sup>	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 stormwater infiltration systems	10 ft.	N/A	N/A

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

<sup>2</sup> The 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.

2. 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 8.16.090 Table III; or

3. Evidence of protective conditions involving both subsections (D)(1) and (D)(2) of this section.

E. Persons shall design and/or install a soil dispersal component only if:

1. The slope is less than forty-five (45) percent (twenty-four (24) degrees);

2. The area is not subject to:

a. Encroachment by buildings or construction such as placement of power poles and underground utilities;

b. Cover by impervious material;

c. Vehicular traffic; or

d. Other activities adversely affecting the soil or the performance of the OSS.

3. Sufficient reserve area for replacement exists to treat and dispose one hundred (100) percent of the design flow;

4. The land is stable; and

5. Surface drainage is directed away from the site.

F. The county health officer may approve a sewer transport line within ten (10) 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, 2006," available at <http://www.ecy.wa.gov/biblio/9837.html>. (Ord. 2007-1 § 7, 2007)

#### **8.16.080 Soil and site evaluation.**

A. Only professional engineers, designers, or the county health officer may perform soil and site evaluations. Soil scientists may only perform soil evaluations.

B. The person evaluating the soil and site shall:

1. Report:

a. A sufficient number of soil logs to evaluate conditions within:

i. The initial soil dispersal component; and

ii. The reserve area.

b. The groundwater conditions, the date of the observation, and the probable maximum

height;

- c. The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;
  - d. The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;
  - e. The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
  - f. The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and
  - g. The location of existing features affecting system placement, such as, but not limited to:
    - i. Wells and suction lines;
    - ii. Water sources and supply lines;
    - iii. Surface water and stormwater infiltration areas;
    - iv. Abandoned wells;
    - v. Outcrops of bedrock and restrictive layers;
    - vi. Buildings;
    - vii. Property lines and lines of easement;
    - viii. Interceptors such as footing drains, curtain drains, and drainage ditches;
    - ix. Cuts, banks, and fills;
    - x. Driveways and parking areas;
    - xi. Existing OSS; and
    - xii. Underground utilities;
2. 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);
  3. Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;

4. 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
  5. Classify the soil as in Table II, Soil Type Descriptions:
- C. The owner of the property or his or her agent shall:
1. Prepare the soil log excavation to:
    - a. Allow examination of the soil profile in its original position by:
      - i. Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component, or
      - ii. Stopping at a shallower depth if a water table or restrictive layer is encountered;
    - b. 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
  2. Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by Chapter 296-155 WAC.

TABLE II

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.

D. The county health officer:

1. Shall render a decision on the height of the water table within twelve (12) months of receiving the application under precipitation conditions typical for the region;
2. 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;
3. May require any other soil and site information affecting location, design, or installation; and
4. May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

(Ord. 2007-1 § 8, 2007)

**8.16.090 Design requirements--General.**

A. 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:

1. If at the discretion of the county health officer, a resident owner of a single-family residence not adjacent to a marine shoreline is allowed to design a system for that residence; or
2. If the county health officer performs the soil and site evaluation, the health officer is allowed to design a system.

B. The designer shall use the following criteria when developing a design for an OSS:

1. All sewage from the building served is directed to the OSS;
2. Sewage tanks have been reviewed and approved by the department;
3. Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other nonsewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;

4. The OSS is designed to treat and disperse the sewage volume as follows:
  - a. For single-family residences:
    - i. The operating capacity is based on forty-five (45) gpd per capita with two people per bedroom.
    - ii. The minimum design flow per bedroom per day is the operating capacity of ninety (90) gallons multiplied by 1.33. This results in a minimum design flow of one hundred twenty (120) gallons per bedroom per day.
    - iii. A factor greater than 0.33 to account for surge capacity may be required by the local health officer.
    - iv. The county health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.
    - v. The minimum design flow is two hundred forty (240) gallons per day.
  - b. 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.
5. The OSS is designed to address sewage quality as follows:
  - a. For all systems, the designer shall consider:
    - i. CBOD<sub>5</sub>, TSS, and O&G;
    - ii. Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;
    - iii. 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 local management plan required in WAC 246-272A-0015.
    - iv. Nitrogen Contributions. Where nitrogen has been identified as a contaminant of concern by the local management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.
  - b. For OSS treating sewage from a nonresidential source, the designer shall provide the following information:

- i. Information to show the sewage is not industrial wastewater;
  - ii. Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and
  - iii. A site-specific design providing the treatment level equal to that required of sewage from a residential source;
- 6. The vertical separation to be used to establish the treatment levels and application rates. The selected vertical separation shall be used consistently throughout the design process.
- 7. Treatment levels:
  - a. Requirements for matching treatment component and method of distribution with soil conditions of the soil dispersal component are listed in Table III below. 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.

TABLE III

Treatment Component Performance Levels and Method of Distribution<sup>1</sup>

Vertical Separation in Inches	Soil Type		
	1	2	3--6
12 < 18	A - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
=> 18 < 24	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
=> 24 < 36	B - pressure with timed dosing	C - pressure	E - pressure
=> 36 < 60	B - pressure with timed dosing	E - pressure	E - gravity
=> 60	C - pressure	E - gravity	E - gravity

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

- b. Disinfection may not be used to achieve the fecal coliform requirements to meet:
      - i. Treatment levels A or B in Type 1 soils; or
      - ii. Treatment level C.
  - C. The coarsest textured soil within the vertical separation selected by the designer shall determine the minimum treatment level and method of distribution.
  - D. The county health officer shall not approve designs for:

1. Cesspools; or
2. Seepage pits.

E. The county 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. (Ord. 2007-1 § 9, 2007)

**8.16.100 Design requirements--Septic tank sizing.**

Septic tanks shall:

- A. 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.
- B. Have the following minimum liquid volumes:
  1. For a single-family residence use Table IV, Required Minimum Liquid Volumes of Septic Tanks:

TABLE IV

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
<= 3	900
4	1,000
Each additional bedroom	250

2. For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty (250) gallons per bedroom with a minimum of one thousand (1,000) gallons;
3. For OSS treating sewage from a nonresidential source, three times the design flow.

(Ord. 2007-1 § 10, 2007)

**8.16.110 Design requirements--Soil dispersal components.**

A. All soil dispersal components, except one using a subsurface drip line product, shall be designed to meet the following requirements:

1. Maximum hydraulic loading rates shall be based on the rates described in Table V;
2. Calculation of the absorption area is based on:

- a. The design flow in Section 8.16.090(B), and
  - b. Loading rates equal to or less than those in Table V applied to the infiltrative surface of the soil dispersal component or the finest textured soil within the vertical separation selected by the designer, whichever has the finest texture;
3. Requirements for the method of distribution shall correspond to those in Table III above;
  4. Soil dispersal components having daily design flow between one thousand (1,000) and three thousand five hundred (3,500) gallons of sewage per day shall:
    - a. Only be located in soil types 1--5,
    - b. Only be located on slopes of less than thirty (30) percent, or seventeen (17) degrees, and
    - c. Have pressure distribution including time dosing.

TABLE V

Maximum Hydraulic Loading Rate

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution (gal./sq. ft./day)
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.	1.0
2	Coarse sands.	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
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
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2

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
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B. All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:

1. Calculation of the absorption area is based on:
  - a. The design flow in Section 8.16.090(B);
  - b. Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of drip line and emitters;
2. The drip line must be installed a minimum of six inches into original, undisturbed soil;
3. Timed dosing; and
4. Soil dispersal components having daily design flows greater than one thousand (1,000) gallons of sewage per day may:
  - a. Only be located in soil types 1--5;
  - b. Only be located on slopes of less than thirty (30) percent, or seventeen (17) degrees.

C. All SSAS shall meet the following requirements:

1. The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten (10) feet from the finished grade;
2. A minimum of six inches of sidewall must be located in original undisturbed soil;
3. Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten (10) feet;
4. Individual laterals greater than one hundred (100) feet in length must use pressure distribution;
5. A layer of between six and twenty-four (24) inches of cover material; and
6. 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 as modified by, or in conflict with this chapter.

D. For SSAS with drain rock and distribution pipe:

1. A minimum of two inches of drain rock is required above the distribution pipe;
2. The sidewall below the invert of the distribution pipe is located in original undisturbed soil.

E. The county health officer may increase the loading rate in Table V up to a factor of two for soil types 1--4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet treatment level D is used. This reduction may not be combined with any other SSAS size reductions.

F. 1. The primary and reserve areas must be sized to at least one hundred (100) percent of the loading rates listed in Table V of this chapter.

2. However, the county health officer may allow a legal lot of record created prior to the effective date of this chapter that cannot meet this primary and reserve area requirement to be developed if all the following conditions are met:

- a. The lot cannot meet the minimum primary and reserve area requirements due to the loading rates for medium sand, fine sand and very fine sand listed in Table V of this chapter;
- b. The primary and reserve areas are sufficient to allow installation of a SSAS using maximum loading rates of one gallon/square foot per day for medium sand, 0.8 gallon/square foot/day for fine sand, and 0.6 gallon/square foot/day for very fine sand; and
- c. A treatment product meeting at least Treatment Level D and pressure distribution with timed-dosing is used.

(Ord. 2007-1 § 11, 2007)

#### **8.16.120 Design requirements--Facilitate operation, monitoring and maintenance.**

A. The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:

1. For gravity systems, septic tank access for maintenance and inspection at finished grade is required. If effluent filters are used, access to the filter at finished grade is required. The local health officer may allow access for maintenance and inspection of a system consisting of a septic tank and gravity flow SSAS to be a maximum of six inches below finished grade provided a marker showing the location of the tank access is installed at finished grade.
2. For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:

- a. 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;
  - b. Surge, flow equalization or other sewage tanks must have service access manholes;
  - c. Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;
  - d. Pump chambers, tanks and vaults must have service access manholes;
  - e. Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and
  - f. Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.
3. For systems using pumps, clearly accessible controls and warning devices are required including:
- a. Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;
  - b. 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
  - c. 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.

B. 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 local health officer.  
(Ord. 2007-1 § 12, 2007)

**8.16.130 Holding tank sewage systems.**

- A. 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 B of this section.
- B. The county health officer may approve installation of holding tank sewage systems only:
  - 1. For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;
  - 2. For interim uses limited to handling of emergency situations; or
  - 3. For repairs as permitted under Section 8.16.170(A)(3)(a).
- C. A person proposing to use a holding tank sewage system shall:

1. Follow design criteria established by the department;
  2. Submit a management program to the county health officer assuring ongoing operation, monitoring and maintenance before the county health officer issues the installation permit; and
  3. Use a holding tank reviewed and approved by the department.
- (Ord. 2007-1 § 13, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.130, 1994)

#### **8.16.140 Installation.**

- A. Only installers may construct OSS, except as noted under subsection B of this section.
  - B. The county health officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install the OSS for that single-family residence.
  - C. The installer described by either subsection A or B of this section shall:
    1. Follow the approved design;
    2. Have the approved design in possession during installation;
    3. Make no changes to the approved design without the prior authorization of the designer and the county health officer;
    4. Only install septic tanks, pump chambers, and holding tanks approved by the department;
    5. Be on the site at all times during the excavation and construction of the OSS;
    6. Install the OSS to be watertight, except for the soil dispersal component;
    7. Cover the installation only after the county health officer has given approval to cover; and
    8. Back fill with six to twenty-four (24) inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.
- (Ord. 2007-1 § 14, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.140, 1994)

#### **8.16.150 Inspection.**

- A. For all activities requiring a permit, the county health officer shall:
  1. Visit the OSS site during the site evaluation, construction, or final construction inspection;
  2. 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.

3. Keep the record drawings on file, with the approved design documents.

B. The person responsible for the final construction inspection shall assure the OSS meets the approved design.

(Ord. 2007-1 § 15, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.150, 1994)

### **8.16.155 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:

- A. Measurements and directions accurate to +/- 1/2 foot, unless otherwise determined by the county health officer, to assure the following parts of the OSS can be easily located:
  - 1. All sewage tank openings requiring access,
  - 2. The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS, and
  - 3. Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;
- B. Location and dimensions of reserve area;
- C. Record that materials and equipment meet the specifications contained in the design;
- D. Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer;
- E. For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS; and
- F. Certification of inspection and record drawings of the system submitted by a licensed OSS designer, professional engineer or other person with prior written approval to the health officer within thirty (30) days of installation.

(Ord. 2007-1 § 16, 2007)

### **8.16.160 Operation, monitoring and maintenance--Owner responsibilities.**

A. The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

- 1. Obtain approval from the county health officer before repairing, altering or expanding an OSS;

2. Secure and renew contracts for periodic maintenance where required by the county board of health;
  3. Obtain and renew operation permits if required by the county board of health;
  4. Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:
    - a. At least once every three years for all systems consisting solely of a septic tank and gravity SSAS,
    - b. Annually for all other systems unless more frequent inspections are specified by the county health officer;
  5. Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
  6. Provide maintenance and needed repairs to promptly return the system to a proper operating condition;
  7. Protect the OSS area and the reserve area from:
    - a. Cover by structures or impervious material;
    - b. 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;
    - c. Soil compaction, for example by vehicular traffic or livestock; and
    - d. Damage by soil removal and grade alteration;
  8. Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
  9. Operate and maintain systems as directed by the county health officer;
  10. Request assistance from the county health officer upon occurrence of a system failure or suspected system failure; and
  11. 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.
- B. Persons shall not:
1. Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose

of system cleaning;

2. Use a sewage system additive unless it is specifically approved by the department; or

3. Use an OSS to dispose of waste components atypical of sewage from a residential source.  
(Ord. 2007-1 § 17, 2007)

#### **8.16.165 Operation, monitoring and maintenance--Food service establishments.**

The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

(Ord. 2007-1 § 18, 2007)

#### **8.16.170 Repair of failures.**

A. When an OSS failure occurs, the OSS owner shall:

1. Repair or replace the OSS with a conforming system or a Table VI repair either on the:

a. Property served, or

b. Nearby or adjacent property if easements are obtained; or

2. Connect the residence or facility to a:

a. Publicly owned LOSS, or

b. Privately owned LOSS where it is deemed economically feasible, or

c. Public sewer; or

3. Perform one of the following when requirements in subsection (A)(1) or (A)(2) of this section are not feasible:

a. Use a holding tank, or

b. 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 county health officer determines:

i. An OSS is not feasible, and

ii. The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water, or

3. Abandon the property.

B. Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under Section 8.16.060(A).

C. The county health officer shall permit a system that meets the requirements of Table VI only if the following are not feasible:

1. Installation of a conforming system or component; and
2. Connection to either an approved LOSS or a public sewer.

D. The person responsible for the design shall locate and design repairs to:

1. Meet the requirements of Table VI 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 I of this chapter. Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

TABLE VI

Treatment Component Performance Levels for Repair of OSS Not Meeting Vertical and Horizontal Separations<sup>1</sup>

Vertical Separation (in Inches)	Horizontal Separation <sup>2</sup>											
	< 25 feet			25 < 50 feet			50 < 100 feet <sup>3</sup>			=> 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	A	A	A	A	A	A	A	A	B	B	B	B
=> 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
=> 18 < 24	A	A	A	A	B	B	A	B	C			
=> 24 < 36	A	B	B	B	C	C	B	C	C			
=> 36	A	B	B	B	C	C	B	C	E			

<sup>1</sup> The 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.

<sup>2</sup> The horizontal separation indicated in Table VI 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.

<sup>3</sup> On a site where there is a horizontal setback of seventy-five (75) to one hundred (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 twelve (12) inches, a conforming system that complies with Section 8.16.100 shall be installed if feasible.

2. Protect drinking water sources and shellfish harvesting areas;

3. Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;
4. Prevent the direct discharge of sewage to groundwater, surface water, or upon the surface of the ground;
5. Meet the horizontal separations under Section 8.16.070(A) to public drinking water sources;
6. Meet other requirements of this chapter to the maximum extent permitted by the site;
7. Maximize the:
  - a. Vertical separation,
  - b. Distance from a well, spring, or suction line, and
  - c. Distance to surface water.

E. Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.

F. If the vertical separation is less than twelve (12) inches, the local 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.

G. For a repair using the requirements of Table VI, disinfection may not be used to achieve the fecal coliform requirements to meet:

1. Treatment levels A or B where there is less than eighteen (18) inches of vertical separation;
2. Treatment levels A or B in type 1 soils; or
3. Treatment level C.

H. The county health officer shall identify repair permits meeting the requirements of Table VI for the purpose of tracking future performance.

I. An OSS owner receiving a repair permit for a system meeting the requirements of Table VI from the county health officer shall:

a. Immediately report any failure to the county health officer;

b. Comply with all local and state requirements stipulated on the permit.

(Ord. 2007-1 § 19, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.170, 1994)

### **8.16.180 Expansions.**

A. The county 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.

B. The county health officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark required by Section 8.16.070, Table I, provided that:

1. The system meets all requirements of Sections 8.16.090 through 8.16.120;
2. The system complies with all other requirements of Section 8.16.100 and this section;
3. Horizontal separation between the soil dispersal component and the ordinary high-water mark is fifty (50) feet or greater; and
4. Vertical separation is two feet or greater.

(Ord. 2007-1 § 20, 2007)

#### **8.16.190 Existing system evaluations.**

An existing on-site sewage system as defined in Section 8.16.030(B) shall be evaluated before a building permit is issued, if one or more of the following conditions exist and the system has not been inspected by the health officer within ten (10) years preceding the permit application date:

- A. Construction outside of an existing building foundation on a piece of property with an on-site sewage disposal system;
- B. Any construction which will replace another structure, such as replacing a mobile home with a replacement mobile home or stick built house or rebuilding a house that has burned;
- C. Any construction resulting in a potential increase in flow to an on-site sewage disposal system, such as an increase in the number of bedrooms;
- D. Any building proposal to connect to a previously unused on-site sewage system, which has been approved by the health officer, but which has been in the ground for more than five years;
- E. Any expansion/remodel of a commercial building which utilizes an on-site sewage disposal system;
- F. Any out-building to be located less than three hundred (300) feet from the on-site sewage system and it cannot be established that a driveway or other impervious surface will not cross the sewage system.

When circumstances warrant, in the sole discretion of the local health officer or his or her designee, an existing on-site sewage system evaluation may be required by the division.

(Ord. 2007-1 § 21, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.190, 1994)

### **8.16.200 Abandonment.**

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

- A. Have the septage removed by an approved pumper;
- B. Remove or destroy the lid; and
- C. Fill the void with soil.

(Ord. 2007-1 § 22, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.200, 1994)

### **8.16.210 Septage management.**

A. The county health officer shall approve an individual before they may remove septage from an OSS.

B. Persons removing septage from an OSS shall:

- 1. Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the county health officer;
- 2. Record and report septage removal to the county health officer;
- 3. Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

(Ord. 2007-1 § 23, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.210, 1994)

### **8.16.220 Developments, subdivisions, and minimum land area requirements.**

A. A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the county health officer as required by RCW 58.17.150.

B. The county health officer shall require the following prior to approving any development:

- 1. Site evaluations as required under Section 8.16.080, excluding subsections (C)(1)(a) and (D)(4);
- 2. Where a subdivision with individual wells is proposed:
  - a. Configuration of each lot to allow a one hundred (100) foot radius water supply protection zone to fit within the lot lines; or
  - b. Establishment of a one hundred (100) foot protection zone around each existing and proposed well site;
- 3. Where preliminary approval of a subdivision is requested, provision of at least one soil log per

proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

4. Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table VII, 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 county health officer may require larger lot sizes where the county health officer has identified nitrogen as a concern either through planning activities described in WAC 246-272A-0015 or another process.

TABLE VII

Minimum Land Area Requirement

Single-Family Residence or Unit Volume of Sewage

Type of Water Supply	Soil Type (Defined by GHCC 8.16.080)					
	2	3	4	5	6	
Public	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
2.5 acre <sup>1</sup>						
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	2 acres	2 acres
2.5 acres <sup>1</sup>						

<sup>1</sup> See GHCC 8.16.110(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

- a. Justifies the proposal through a written analysis of the:
  1. Soil type and depth;
  2. Area drainage, and/or lot drainage;
  3. Public health impact on ground and surface water quality;
  4. Setbacks from property lines, water supplies, etc.;
  5. Source of domestic water;
  6. Topography, geology, and ground cover;
  7. Climatic conditions;

8. Availability of public sewers;
  9. Activity or land use, present, and anticipated;
  10. Growth patterns;
  11. Reserve areas for additional subsurface treatment and dispersal;
  12. Anticipated sewage volume;
  13. Compliance with current planning and zoning requirements;
  14. Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;
  15. Existing encumbrances, such as those listed in Sections 8.16.060(A)(3)(e) and 8.16.080(B)(1)(g); and
  16. Estimated nitrogen loading from OSS effluent to existing ground and surface water;
  17. Any other information required by the county health officer.
- b. Shows development with public water supplies having:
    - i. At least twelve thousand five hundred (12,500) square feet lot sizes per single-family residence;
    - ii. No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and
  - c. Shows development with individual water supplies having at least one acre per unit volume of sewage; and
  - d. Shows land area under surface water is not included in the minimum land area calculation; and
5. Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:
    - a. Install conforming OSS;
    - b. Assure preservation of reserve areas for proposed and existing OSS;

- c. Properly treat and dispose of the sewage; and
- d. Minimize public health effects from the accumulation of contaminants in surface and groundwater.

C. The county health officer shall require lot areas of twelve thousand five hundred (12,500) square feet or larger except when a person proposes:

- 1. OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
- 2. A planned unit development with:
  - a. 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 (B)(4) of this section;
  - b. A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;
  - c. Management requirements under Chapter 246-272B WAC when installing a LOSS; and
  - d. Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

D. The county health officer may:

- 1. Allow inclusion of the area to the centerline of a road or street right-of-way in a Method II determination under subsection (B)(4) of this section to be included in the minimum land area calculation if:
  - a. The dedicated road or street rights-of-way are along the perimeter of the development;
  - b. The road or street rights-of-way are dedicated as part of the proposed development; and
  - c. Lots are at least twelve thousand five hundred (12,500) square feet in size.
- 2. Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;
- 3. Require larger land areas or lot sizes to achieve public health protection;
- 4. 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
- 5. 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:

- a. The lot is registered as a legal lot of record created prior to the effective date of this chapter;
- b. The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and
- c. The proposed system meets all requirements of these regulations other than minimum land area.

E. The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized SSAS must meet the minimum land area requirements established in state and county codes.  
(Ord. 2007-1 § 24, 2007)

**8.16.230 Areas of special concern.**

A. The county health officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

- 1. Shellfish protection districts or shellfish growing areas;
- 2. Sole Source Aquifers designated by the U.S. Environmental Protection Agency;
- 3. Areas with a critical recharging effect on aquifers used for potable water as designated under the Washington Growth Management Act, Chapter 36.70A.170 RCW;
- 4. Designated public water supply wellhead protection areas;
- 5. 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;
- 6. Areas designated by the Department of Ecology as special protection areas under WAC 173-200-090, Water Quality Standards for Ground Waters of the State of Washington;
- 7. Wetland areas under production of crops for human consumption;
- 8. Frequently flooded areas delineated by the Federal Emergency Management Agency; and
- 9. Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

B. The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

1. Additional location, design, and/or performance standards for OSS;
2. Larger land areas for new development;
3. Prohibition of development;
4. Additional operation, maintenance, and monitoring of OSS performance;
5. Requirements to upgrade existing OSS;
6. Requirements to abandon existing OSS; and
7. Monitoring of groundwater or surface water quality.

C. Within areas of special concern, to reduce risk of system failures, a person approved or designated by the county health officer shall:

1. Inspect every OSS at least once every three years;
2. Submit the following written information to both the county health officer and the property owner within thirty (30) days following the inspection:
  - a. Location of the tank,
  - b. Structural condition of the tank, including baffles,
  - c. Depth of solids in tank,
  - d. Problems detected with any part of the system,
  - e. Maintenance needed,
  - f. Maintenance provided at time of inspection, and
  - g. Other information as required by the county health officer;

3. Immediately report failures to the county health officer.

(Ord. 2007-1 § 25, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.230, 1994)

#### **8.16.240 Certification of installers, pumpers, and maintenance service providers.**

This section establishes requirements for installers, pumpers, and maintenance service providers. OSS installers, pumpers and maintenance service providers must obtain approval from the county health officer prior to providing services within the county.

A. Installers.

1. No person may engage in the business of installing and/or repairing on-site sewage disposal systems in Grays Harbor County without possessing a valid installer's license. Application for such license shall be made to the health officer on forms provided by him or her.
2. Any installer's license issued pursuant to this chapter may be revoked by the health officer for incompetence, negligence, misrepresentation, providing false information in making application for a license or permit, failure to comply with the requirements of this chapter or of WAC 246-272A or revocation or nonrenewal of a performance bond.
3. The health officer may require a commercial installer's license applicant to submit to a written and/or oral examination on installation regulations and standards.
4. Commercial Installer's Surety Bond. Prior to issuance of a commercial installer's license, the applicant shall file a bond with the county environmental health division on a form approved by the prosecuting attorney in the sum of two thousand dollars (\$2,000.00) executed by a surety company duly authorized to do business in the state of Washington, or by two good and sufficient sureties not connected in business with the applicant and approved by the prosecuting attorney. The bond is to guarantee the faithful performance of all work undertaken to be done under the provisions of this chapter. Any person who may be damaged by the wrongful act of the licensee or by the licensee's failure to perform any work contracted to do, or the licensee's failure to perform work in a workmanlike manner may sue upon the bond for damages in a sum not exceeding two thousand dollars (\$2,000.00).
5. State Bonding of Commercial Installers. Confirmation of the applicant for a commercial installer's license that the applicant is currently bonded by way of registration and bonding under Sections 18.27.020 and 18.27.040, Revised Code of Washington, may be accepted as fulfilling the requirement for a commercial installer's surety bond as required in subsection (A)(4) of this section.
6. A commercial installer's license is required by these rules and regulations. If said license is not renewed by January 31 of the succeeding calendar year it will be processed as a new application. The license shall be issued only for the unexpired portion of the calendar year in which the application is made.
7. Nothing herein contained shall prohibit any bona fide owner from personally constructing, installing, or repairing an on-site sewage disposal system for his or her own single -family residence, provided he or she constructs no more than one system in any one calendar year.

B. Septic Tank Pumpers.

1. License Required. No person, firm or corporation shall clean any septic tank, cesspool, or

sewage pit, or other on-site sewage disposal system without first obtaining a septic tank pumpers license from the health officer.

2. Application for a pumpers license shall be made to the health officer on forms provided by the health officer.
3. All septage disposal sites shall be noted on the application form. Only sites receiving written approval by the health officer shall be used for disposal. The health officer shall note on the license which sites have been approved.
4. Any septic tank pumper license issued pursuant to this chapter may be revoked by the health officer for incompetence, negligence, misrepresentation, giving fraudulent information in making application, or filing of reports or failure to comply with the requirements of this chapter or revocation of the bond as required or upon cancellation.
5. A pumper applicant shall make his or her equipment available for inspection by the health officer and the equipment shall comply with the following minimum requirements:
  - a. All hoses and pumping equipment must be stored in a cleanable watertight enclosed area on the truck. (Hoses may be exempt if watertight fitting caps are used.)
  - b. Truck equipment must be designed to adequately control effluent disposal from the truck into manholes or other receiving stations.
  - c. All equipment must be in good repair and of easily cleanable construction.
  - d. Effluent capacity of truck holding tank(s) must be a minimum of one thousand (1,000) gallons.
  - e. The name of the operating firm and address and/or phone number shall be conspicuously displayed on both sides of the truck in bold letters not less than three inches in height for firm name and not less than two inches in height for other information.
  - f. All equipment and premises must be maintained and left in a clean and sanitary manner.
  - g. Bond Required. Prior to issuance of a septic tank pumpers license, the applicant shall provide written proof of a bond in an amount not less than two thousand dollars (\$2,000.00) for the purpose.
  - h. Fee Required for License. A fee for a septic tank pumpers license in an amount as set by county board of health resolution is required. If said license is not renewed by January 31 of any year, it will be processed as a new application.

- i. Septic tank pumpers shall submit quarterly reports to the health officer containing the following information:
  - a. Gallons pumped per area defined by the health officer;
  - b. Gallons disposed of at each authorized site.

The report shall contain any additional information required by the health officer. The report shall be submitted not more than fifteen (15) days after the end of each calendar quarter. (Ord. 2007-1 § 26, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.240, 1994)

#### **8.16.270 Waiver of state regulations.**

A. For individual, site-by-site waiver requests, if concurrence is granted by the department, the health officer may grant a waiver from specific requirements in this chapter for OSS under three thousand five hundred (3,500) gallons per day only after the following procedure has been completed:

1. The applicant submits a waiver application to the county health officer, including justification describing how the requested waiver is consistent with purpose and objectives to meet the public health intent of Chapter 246-272A WAC;
2. The county health officer determines that the waiver is consistent with the standards and intent of this chapter and Chapter 246-272A WAC;

C. On a quarterly basis, the county health officer will forward to the department any approved or denied waivers for their records.

B. If an applicant desires to modify and resubmit a previously denied waiver request the process described in subsection A of this section for OSS under three thousand five hundred (3,500) gallons per day or subsection B of this section for a LOSS shall be followed.

(Ord. 2007-1 § 28, 2007: Ord. 233 (part), 1997: Ord. 204 § 6.20.270, 1994)

#### **8.16.280 Enforcement.**

A. The department or the county health officer:

1. Shall enforce the rules of this chapter and 246-272A WAC; or
2. May refer cases to the prosecuting attorney or office of the attorney general, as appropriate.

B. When a person violates the provisions under this chapter, the department, county health officer, prosecuting attorney, 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:

1. Informal administrative conferences, convened at the request of the department or owner, to

explore facts and resolve problems;

2. Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of this chapter and Chapter 246-272A WAC;
  3. Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;
  4. The penalties under Chapter 70.05 RCW and RCW 43.70.190; and
  5. Civil or criminal action.
- C. Orders authorized under this section include the following:
1. Orders requiring corrective measures necessary to effect compliance with this chapter which may include a compliance schedule; and
  2. 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.
- D. Enforcement orders issued under this section shall:
1. Be in writing;
  2. Name the person or persons to whom the order is directed;
  3. Briefly describe each action or inaction constituting a violation of the rules of this code or Chapter 246-272A WAC;
  4. Specify any required corrective action, if applicable;
  5. Specify the effective date of the order, with time or times of compliance;
  6. 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:
    - a. Denial, suspension, or revocation of a permit approval, or certification,
    - b. Referral to the office of the county prosecuting attorney or attorney general, and/or
    - c. Other appropriate remedies;
  7. Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

E. 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.

F. The department or county health officer 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:

1. Failed or refused to comply with the provisions of this chapter, Chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or
2. Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

G. For the purposes of subsection F of this section and Section 8.16.290, a person is defined to include:

1. Applicant;
2. Reapplicant;
3. Permit holder; or
4. Any individual associated with subsection (G)(1), (G)(2) or (G)(3) of this section including, but not limited to:
  - a. Board members,
  - b. Officers,
  - c. Managers,
  - d. Partners,
  - e. Association members,
  - f. Agents, and
  - g. Third persons acting with the knowledge of such persons.

H. Criminal Penalty. Any person convicted of a violation of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment in jail for a period not to exceed ninety (90) days or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

I. Civil Penalty. Violations of any of the provisions of this chapter or failure to comply with any of its requirements are declared to be a public nuisance and shall constitute a civil violation subject to a monetary penalty not to exceed one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a

separate violation.  
(Ord. 2007-1 § 29, 2007)

#### **8.16.290 Notice of decision--Adjudicative proceeding.**

A. The county health officer shall provide written notice of a denial, suspension, modification or revocation of a permit, certification, or approval under the provisions of this chapter.

B. Any person contesting or appealing a decision or order of the health officer or Environmental Health Division pursuant to this chapter may appeal that decision or order.  
(Ord. 2007-1 § 30, 2007; Ord. 233 (part), 1997; Ord. 204 § 6.20.290, 1994)

#### **8.16.300 Recommended standards.**

The recommended standards contained in Recommended Standards and Guidance for Performance, Application, Design, and Operation and Maintenance -- On-Site Sewage System Tanks, July 1, 2007, published by the department shall be used for OSS installation, except where modified by, or in conflict with, this chapter.  
(Ord. 2007-1 § 31, 2007)

#### **8.16.310 Fee schedule.**

A fee schedule shall be established by the board of health in accordance with RCW 70.05.060(7).  
(Ord. 233 (part), 1997; Ord. 204 § 6.20.320, 1994)

### **Chapter 8.20**

## **RECREATION VEHICLES AND CAMPING**

#### Sections:

- 8.20.010 Purpose.
- 8.20.020 Authorized areas.
- 8.20.030 Definitions.
- 8.20.040 Minimum requirements for a licensed park.
- 8.20.050 Permits.
- 8.20.060 Licenses.
- 8.20.070 Inspections.
- 8.20.080 Notices, hearings and orders.
- 8.20.090 Conflict--Effect of partial invalidity.

#### **8.20.010 Purpose.**

It shall be the purpose and intent of these regulations to prevent the potential or actual occurrence of unsanitary conditions, public health and safety hazards and degradation or deterioration of the environment by controlling the location and requiring sanitary provisions for recreational vehicles and other camping.  
(Ord. 104 § 6.30.010, 1982)

#### **8.20.020 Authorized areas.**

- A. General. No recreational vehicle shall be occupied nor other camping take place except in

authorized areas.

B. Authorized Areas. The following are authorized areas for the occupancy of a recreational vehicle or for other camping:

1. Private Lot. A private lot is authorized for occupancy of two recreational vehicles or other camping when on the lot are provided sanitary facilities approved by the health authority.
2. Temporary Approved Park. The occupancy of three or more recreational vehicles or camping on the same parcel of property can be authorized by issuance of a special permit for a period of time not to exceed seven days, when the health officer has determined that adequate sanitary facilities are available on the site to effectively prevent the occurrence of public health hazards and unsanitary conditions.
3. Private Lot--As Guest. Two recreational vehicles or other camping is authorized on a private lot as a guest where a permanent dwelling is located, provided the home has an approved sewage disposal system, the guests utilize the sanitary facilities in the home, and that the period is a short term occupancy of a temporary duration for not more than fourteen (14) days within a two month period.
4. Licensed Park.
  - a. The occupancy of recreational vehicles and other camping is authorized in a licensed park.
  - b. The occupancy of three or more recreational vehicles or camping on the same parcel of property is only authorized in a licensed park.
5. Remote Area. The occupancy of recreational vehicles and camping is authorized in remote areas. (See definition.)
6. Private Lot--As Member. Noncommercial facility owned by a private nonprofit corporation. Limited to members only. All units must be self-contained. Adequate sanitary facilities as determined by the health officer.

(Ord. 327 § 1, 2005: Ord. 212, 1995: Ord. 165 (part), 1992: Ord. 104 § 6.30.020, 1982)

### **8.20.030 Definitions.**

A. The following are definitions of terms used throughout these rules and regulations:

"Health authority" means the legally designated health officer or his or her authorized representative of Grays Harbor health department.

"Licensed park" means a recreational vehicle parking and other camping area, meeting the requirements of Section 8.20.040 of these rules and regulations and for which there is a valid license to operate issued by the health authority.

"Occupied" means that a recreational vehicle or camping site shall be deemed occupied when it is utilized or intended to be utilized, at the place where parked, for general living activities such as sleeping, cooking, washing or other similar activities associated with dwelling or camping activities.

"Other camping" means the provisions of camping tents, station wagon tents, sleeping bags or other temporary shelters and camping activities.

"Public highway" means any federal, state, county or city road for use by the general public, which includes the ocean beaches as currently defined by state statute.

"Recreational vehicle" means a vehicle designed for short-term occupancy during travel, recreation and/or vacation purposes, including but not limited to the following types:

1. "Camping trailer (tent trailer)" means a portable, collapsible structure mounted on wheels and constructed of fabric, plastic or other pliable material which folds for towing by a motor vehicle and unfolds at the campsite.
2. "Motor home" means a portable dwelling constructed as an integral part of a self-propelled vehicle.
3. "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses. A travel trailer shall be identified by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight feet, and a body length not exceeding thirty-two (32) feet.
4. "Truck camper (pick-up coach)" means a portable structure designed to be loaded onto, or mounted on the bed or chassis of a truck, having a body width not exceeding eight feet and a body length not exceeding thirty-two (32) feet.

"Recreational vehicle parking" or "other camping area" means a parcel of land in which three or more spaces are occupied or intended for occupancy by recreational vehicles or other camping for transient or recreational dwelling purposes.

"Remote area" means where located at least one mile from a public highway or a permanent dwelling, and where the density is not greater than three recreational vehicles or camping per acre and where the use is temporary only; not to exceed two weeks' duration.

"Short-term occupancy" means the occupancy of recreational vehicles for living purposes for a temporary duration of not more than fourteen (14) consecutive days within a two-month period.

"Temporary approved park" means a temporary site, either public or privately owned, where, in the opinion of the health officer, adequate sanitary facilities exist to satisfactorily service a given number of recreational vehicles for a limited time.

- B. The following definitions apply to terms used in Section 8.20.040 of these rules and regulations.

"Catch cleaning facility" means a separate facility with sinks, tables, waste receptacle, etc., for the purpose of cleaning of catch such as clams, fish, etc.

"Dependent parking/camping space" means a space provided in the parking or camping area on which there is no sanitary sewage service.

"Dependent trailer" means a trailer which is dependent upon a service building for toilet and lavatory facilities.

"Independent parking/camping space" means a space provided for parking of independent trailers at which the sewer and water services are provided at the space for connection to the vehicle.

"License" means a written license issued by the health authority allowing a person to operate and maintain a recreational vehicle parking/camping area under the provisions of these rules and regulations issued hereunder.

"Permit" means a written permit issued by the health authority permitting the construction, alteration and extension of recreational vehicle parking or other camping area under the provisions of these rules and regulations issued hereunder.

"Person" means any individual, firm, trust, partnership, public or private association or corporation or branches of government.

"Recreational vehicle camping space" means a parcel of land in a recreational vehicle parking/camping area for the placement of a single trailer or tent and the exclusive use of its occupants.

"Self-contained trailer" means a trailer which can operate independent of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

"Service building" means a structure housing toilet, lavatory and such other facilities as may be required by these rules and regulations.

"Service sink or waste disposal facility" means a sanitary receptacle for disposal of liquid wastes which drains into an approved sewer or other approved disposal.

"Sewer connection" means the connection consisting of all pipes, fitting and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewerage system serving the travel trailer parking area.

"Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each trailer space.

"Water connection" means the connection consisting of all pipes, fitting and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.

"Water riser pipe" means that portion of the water supply system service of the travel trailer parking area which extends vertically to the around elevation and terminates at a designated point at each trailer space.

"Water station" means a facility for supplying water to storage tanks of trailers with potable water.

"Sanitary station" means a facility used for removing and disposing of wastes from trailer holding tanks. (Ord. 327 § 2, 2005: Ord. 104 § 6.30.030, 1982)

#### **8.20.040 Minimum requirements for a licensed park.**

##### **A. Location, Space and General Layout.**

1. **General Requirements.** Condition of the soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall be free of objectionable smoke, noise, odors or other adverse influences and shall not be used for any purpose which would expose persons or property to hazards. Recreational vehicle or camping spaces shall be arranged in such a manner that there will be a minimum of eight feet between recreational vehicles or other camping vehicles, and so that each recreational vehicle or camping vehicle will be at least five feet from any road, public walkway or the exterior boundary of the property.
2. **Soil and Ground Cover Requirements.** Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
3. **Density Requirements.** The density shall not exceed twenty (20) trailer spaces per acre of gross site area except that the health authority may, under special circumstances, permit a higher density provided all other environmental, open space and access requirements of these rules and regulations issued hereunder are adhered to. Any person desiring a higher density shall make application for such exemption to the health authority, specifying the reasons therefore. If a higher density is permitted, the health authority shall issue a special license specifying the location of the parking area, the expiration date of the license and the conditions of issuance.

##### **B. Service Buildings.**

1. A central service building(s) containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parking and camping areas. Service buildings shall be conveniently located with a radius of three hundred (300) feet of all spaces served.

Service buildings shall be well lighted, ventilated with screened openings and constructed of material permitting satisfactory cleaning. Floors in service buildings shall be constructed of water impervious material, well pitched to a floor drain or stall urinal. They shall be free from cracks or uneven surfaces that interfere with proper cleaning. Toilet partitions shall be raised twelve (12) inches from the floor and shall be so constructed as to be easily cleanable. All

service buildings and sanitary facilities shall be kept in good repair.

2. **Structural Requirements for Buildings.** All rooms containing sanitary or laundry facilities shall have: sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures, shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material, have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room and toilets, shall be located in separate compartments, equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry facility, and cold water shall be furnished to every water closet and urinal.

C. **Minimum Sanitary Facilities Required for Dependent Space.**

No. of Parking/ Camping Spaces	Toilets		Urinals	Lavatories		Showers Other Fixtures not req.		
	Men	Women	Men	Women	Men	Women		
1-15	1	1	1	1	1	1	1	1
16-30	1	2	1	2	2	1	1	1
31-45	2	2	1	3	3	1	1	1
46-60	2	3	2	3	3	2	2	2
61-80	3	4	2	4	4	2	2	2
81-100	3	4	2	4	4	3	3	3

1. For parking or camping areas having more than one hundred (100) spaces, there should be provided: one additional toilet and lavatory for each sex per each additional thirty (30) spaces; one additional shower for each sex per each additional forty (40) spaces; and two additional men's urinals per each additional one hundred (100) spaces.
2. The minimum sanitary facilities per independent space shall be one-half (or fraction thereof) those required for dependent spaces. In no case shall there be less than the minimum required for one fifteen (15) dependent spaces.

D. **Water Supply.**

1. **General Requirements.** An accessible, adequate, safe and potable supply of water shall be provided in each recreational vehicle parking/camping area.
2. All water supplies shall conform to WAC 246-290 or 246-291 Rules and Regulations, Washington State Board of Health Governing Public Water Supplies.

3. Potable water shall be available within one hundred fifty (150) feet of every camping or recreational vehicle space. Overflow from faucets shall empty into a drain connected to a disposal system or sump approved by the health authority.
4. Watering Stations. Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage.
5. Individual Water Connections. If facilities for individual water service connections are provided, the following requirements shall apply:
  - a. Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of travel trailers.
  - b. Water riser pipes shall extend at least four inches above ground elevation. The pipe size shall be one-half inch or larger. If less than three-fourths inch, then the pipe shall be structurally supported.
  - c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
  - d. Underground stop and waste valves shall not be installed on any water service.
  - e. Valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.
- E. Sewage Disposal.
  1. General Requirements. An adequate and safe sewerage system shall be provided in all recreational vehicle parking and camping areas for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws. All liquid wastes from service buildings and camping vehicles, including sink wastes and recreational vehicle retention tanks, shall be discharged into a public sewer or private sewage disposal system approved by the health authority.
  2. Sanitary or Dumping Station. A sanitary station shall be provided consisting of at least: a trapped four-inch sewer riser pipe, connected to the travel trailer parking area sewerage system, surrounded at the inlet end by a concrete apron slipped to the drain and provided with a suitable hinged cover; and a water outlet, with the necessary appurtenances, connected to the parking area water supply system to permit periodic wash down of the immediate adjacent areas.

Each recreational vehicle parking or camping area shall be provided with sanitary stations in the ratio of one for every one hundred (100) trailer spaces or fractional part thereof.

Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer space.

Back siphonage devices shall be provided where necessary.

Sanitary dumping stations shall be optional, but highly recommended, for parking existing at the time of adoption of these rules and regulations.

3. Sewer Lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the health authority, shall be adequately vented and shall have water-tight joints.
4. Individual Sewer Connections. If facilities for individual sewer connections are provided, the following requirements shall apply:
  - a. The sewer riser pipe shall have at least a four-inch diameter, and shall be so located on the recreational vehicle parking/camping space that the sewer connection to the trailer drain outlet will approximate a vertical position.
  - b. The sewer connection (see definition) shall have a nominal inside diameter of at least three inches and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints and connections shall be water-tight.
  - c. All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
  - d. Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.
5. A service sink or wastewater disposal facility shall be provided within one hundred fifty (150) feet of every dependent space. The facility design must have the approval of the health authority.
6. A catch cleaning facility shall be provided for recreational vehicle parking and camping areas which are located in recreational areas. Running water shall be provided. The wastewater and other waste shall be disposed of in an approved manner.
- F. Refuse Handling.
  1. The storage, collection and disposal of refuse in a recreational vehicle parking/camping area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
  2. All refuse shall be stored in fly tight, watertight, rodent-proof containers which shall be located

not more than one hundred fifty (150) feet from any space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. Refuse collection stands shall be provided for all refuse containers: such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and facilitate cleaning around them.

G. Insect and Rodent Control.

1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.
2. Parking or camping areas shall be maintained free of accumulations of debris.
3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one foot above the ground.
4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parking and camping areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison sumac and other noxious weeds considered detrimental to health.

H. Miscellaneous Requirements.

1. Supervision. The person to whom a license is issued shall at all times operate the recreational vehicle and/or camping area in compliance with these rules and regulations and shall provide adequate supervision to maintain the area, its facilities and equipment in good repair and in a clean and sanitary condition at all times.
2. Reporting Communicable Diseases. Every owner, operator, attendant or other person operating a recreational vehicle parking area shall notify the local health authority immediately of any suspected communicable or contagious diseases within the recreational vehicle parking area. In the case of disease diagnosed and recommended by a physician for quarantine, the departure of a trailer or its occupants or the removal of any articles or clothing from the trailer without the prior approval of the health authorities that have been exposed to infection is prohibited.

(Ord. 345 § 1, 2006; Ord. 327 § 3, 2005; Ord. 104 § 6.30.040, 1982)

**8.20.050 Permits.**

A. It is unlawful for any person to construct, alter or extend any recreational vehicle parking/camping area within the limits of Grays Harbor health department, unless he or she holds a valid permit issued by the health authority in the name of such person for the specific construction, alteration or extension

proposed.

- B. Applications for permits shall be made to the health authority and shall contain the following:
1. Name and address of applicant;
  2. Interest of the applicant in the travel trailer parking area;
  3. Location and legal description of the travel trailer parking area; and
  4. Complete engineering plans and specifications of the proposed parking/camping area showing:
    - a. The area and dimension of the tract of land,
    - b. The number, location and size of all recreational vehicle parking or camping spaces,
    - c. The location of service buildings, sanitary stations and any other proposed structures,
    - d. The location of water and sewer lines and riser pipes,
    - e. Plans and specifications of the water supply and refuse and sewage disposal facilities,
    - f. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle parking or camping area,
    - g. Elevations of the land contour at ten (10) foot contour intervals, and
    - h. Water table elevations.

C. When, upon review of the application, the health authority is satisfied that the proposed plan meets the requirements of these rules and regulations issued hereunder, a permit shall be issued.

D. Any person whose application for a permit under these rules and regulations has been denied may request and shall be granted a hearing on the matter before the board of health under the procedure provided by Section 8.20.080.  
(Ord. 327 § 4, 2005; Ord. 104 § 6.30.050, 1982)

### **8.20.060 Licenses.**

A. It is unlawful for any person to operate any recreational vehicle parking or camping area within the limits of Grays Harbor County unless he or she holds a valid license issued annually by the health authority in the name of such person for the specific recreational vehicle parking/camping area. All applications for licenses shall be made to the health authority, which shall issue license upon compliance by the applicant with provisions of this chapter and regulations issued hereunder and of other applicable legal requirements. All licenses shall expire on December 31st of each year.

B. Every person holding a license shall give notice in writing to the health authority within seven days after having sold, transferred, given away or otherwise disposed of interest in, or control of, any travel trailer parking area. Such notice shall include the name and address of the person succeeding to the ownership or control of such travel trailer parking area. Upon application in writing for transfer of the license and deposit of a fee as required in subsection F of this section, the license shall be transferred if the parking area is in compliance with all applicable provisions of these rules and regulations issued hereunder.

C. 1. Application for original licenses shall be in writing, signed by the applicant, accompanied by the deposit of a fee as required and shall contain: the name and address of the applicant; the location and legal description of the travel trailer parking area; and a site plan of the travel trailer parking area showing all trailer spaces, structures, roads, walkways, sanitary stations and other service facilities.

2. Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee as required and shall contain any change in the information submitted since the original license was issued for the latest renewal granted. Applications for renewal and renewal fee must be received prior to January 30th the year the license is to be renewed.

D. Any person whose application for a license under these rules and regulations has been denied, any person whose license has been suspended, or who has received notice from the health authority that his or her license will be suspended unless certain conditions or practices at the travel trailer parking area are corrected, may request and shall be granted a hearing on the matter before the board of health under the procedure provided by Section 8.20.080.

E. Whenever, upon inspection of any recreational vehicle parking/camping area, the health authority finds that conditions or practices exist which are in violation of any provision of these rules and regulations issued hereunder, the health authority shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the health authority, the license will be suspended. At the end of such period, the health authority shall reinspect such recreational vehicle parking/camping area and, if such conditions or practices have not been corrected, he or she shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such recreational vehicle parking/camping area.

A temporary license, upon written request therefore, shall be issued by the health authority, for every recreational vehicle parking/camping area in existence, upon the effective date of these rules and regulations permitting the area to be operated during the period ending one hundred eighty (180) days after the effective date of these rules and regulations in accordance with such conditions as the health authority may require.

F. The board of health shall establish a fee schedule in accordance with RCW 70.05.060(7) for licenses to operate or construct a recreational vehicle parking or camping area. (Ord. 327 § 5, 2005; Ord. 165 (part), 1992; Ord. 104 § 6.30.060, 1982)

### **8.20.070 Inspections.**

A. The health authority is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these rules and regulations issued hereunder.

B. The health authority shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of these rules and regulations issued hereunder.  
(Ord. 104 § 6.30.070, 1982)

### **8.20.080 Notices, hearings and orders.**

A. Whenever the health authority determines that there are reasonable grounds to believe that there has been a violation of any provision of these rules and regulations issued hereunder, the health authority shall give notice of such alleged violation to the person to whom the permit or license was issued as hereinafter provided. Such notice shall:

- a. Be in writing;
- b. Include a statement of the reasons for its issuance;
- c. Allow a reasonable time for the performance of any act it requires;
- d. Be served upon the owner or his or her agent as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his or her last known address; or when he or she has been served with such notice by any other method authorized or required by the laws of this state;
- e. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of these rules and regulations issued hereunder.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of these rules and regulations issued hereunder may request and shall be granted a hearing on the matter before the Grays Harbor board of health; provided, that such person shall file in the office of the health authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, the health authority shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

C. After such hearing, the Grays Harbor board of health shall make findings as to compliance with the provisions of these rules and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the permit or license of the recreational vehicle parking/camping area affected by the order shall be revoked.

D. The proceedings of such a hearing, including the findings and decision of the health authority and the board of health, together with a copy of every notice and order related thereto shall be entered as a

matter of public record in the office of the health authority, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the final decision of the board of health may seek relief therefrom according to the provisions of this section. Proceedings for review under this section shall be instituted by filing a petition in the superior court in Grays Harbor County which is affected by the decision of the board of health. All petitions shall be filed within thirty (30) days after the service of the final decision of the board of health. Copies of the petition shall be served upon the secretary of the board of health and all other parties of record. Within thirty (30) days after service of the petition, or within such further time as the court may allow, the Grays Harbor health department shall transmit to the reviewing court a certified copy of the entire record of the proceedings under review; but, by stipulation of all parties to the review proceedings, the record may be shortened. The court may require or permit subsequent corrections or additions to the record when deemed desirable. The cost of transcribing the proceedings shall be a taxable cost in the proceeding. The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

The court may affirm the decision of the board of health or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioner may have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

1. In violation of constitutional provisions;
2. In excess of the statutory authority or jurisdiction of the agency;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Clearly erroneous in view of the entire record as submitted and the public policy contained in the rules and regulations authorizing the decision or order; or
6. Arbitrary or capricious.

E. Whenever the health authority finds an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provision of these regulations, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Grays Harbor board of health, shall be afforded a hearing as soon as possible.

Any person who violates any provision of these rules and regulations shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); and each day's failure of compliance with any such provision shall constitute a separate violation.

(Ord. 104 § 6.30.080, 1982)

## **8.20.090 Conflict--Effect of partial invalidity.**

In any case where a provision of these rules and regulations is found to be in conflict with a provision of any other rules and regulations of the Grays Harbor health department existing on the effective date of these rules and regulations, the provision which, in the judgment of the health authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.  
(Ord. 104 § 6.30.090(1), 1982)

## **Chapter 8.24**

### **SECURITY ALARM SYSTEMS**

Sections:

**8.24.010 Definitions.**

**8.24.020 Civil penalties for false alarms.**

**8.24.030 Automatic dialer.**

**8.24.040 Violations--Penalties.**

#### **8.24.010 Definitions.**

The following are definitions of terms used throughout this chapter:

"False alarm" means the activation of a security alarm by other than a forced entry, attempted forced entry, unlawful entry, robbery or attempted robbery on the premises at a time when no robbery, burglary or other crime involving a foreseeable risk of bodily harm is being committed or attempted on the premises. For the purpose of this chapter, the term "false alarm" shall include all alarms activated through lack of familiarity with equipment, accident, malfunction, malicious acts of others, lack of training, or forgetfulness.

"Owner" means the person(s), agent, firm or corporation in custody or control of a premises which is equipped with a security alarm system.

"Response" shall be deemed to have occurred when mobile units of the Grays Harbor County sheriff's department begin to proceed toward the premises as a result of the activation of the security alarm.

"Security alarm" is an intrusion/emergency alarm system servicing a building or property, which when activated, transmits a signal to the Grays Harbor County sheriff's department, or a private alarm company, and/or is audible from outside the alarmed premises.  
(Ord. 170 § 1, 1993)

#### **8.24.020 Civil penalties for false alarms.**

In addition to any penalty prescribed by law, any false alarm, to which the Grays Harbor County sheriff's department responds is subject to the following civil penalties which may be levied by the sheriff against and collected from the person, firm, or corporation who owns or occupies the premises protected by such security alarm:

- A. For a response to a premises at which no other false alarm has occurred within the preceding one hundred eighty (180) days, no fee shall be charged, but the sheriff may give notice of the conditions and requirements of this section to the person whose premises is served by the security alarm, and order that corrective action be taken, to prevent further false alarms.
- B. For a second response to a premises within a one hundred eighty (180) day period of the first response, a fee or civil penalty in the amount of fifteen dollars (\$15.00) may be charged to the owner or occupant of the premises.
- C. For the third response to a premises within one year of the first response, and for each succeeding response, the sheriff may charge the owner a civil penalty of fifty dollars (\$50.00). If such third false alarm or any succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed in subsection A of this section, the sheriff may order the owner to disconnect such alarm until the prescribed corrective action is taken, and certification of the corrective action is given to the Grays Harbor County sheriff's department.
- D. The fines imposed by this section may be appealed to the board of county commissioners by filing a notice of appeal within ten (10) days of the imposition of the civil penalty. The notice of appeal shall be accompanied by a processing fee of ten dollars (\$10.00).

(Ord. 170 § 2, 1993)

#### **8.24.030 Automatic dialer.**

It is a violation of this chapter to connect, maintain, or use on any premises any automatic dialer alarm which calls 911 or Grays Harbor County sheriff's department numbers which have been preprogrammed into the dialer, and which results in the Grays Harbor County sheriff's department or other security agency being alerted by an automated message.

(Ord. 170 § 3, 1993)

#### **8.24.040 Violations--Penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of up to three hundred dollars (\$300.00) and/or jail time not to exceed thirty (30) days.

(Ord. 170 § 4, 1993)

### **Chapter 8.28**

#### **SOLID WASTE COLLECTION AND DISPOSAL**

Sections:

**8.28.010 Purpose.**

**8.28.020 Definitions.**

**8.28.030 Establishment of system of solid waste handling.**

**8.28.040 Designation of disposal sites.**

**8.28.050 Unlawful disposal of solid waste.**

**8.28.060 Approval of intergovernmental agreement.**

**8.28.070 Prior acts ratified, approved and confirmed.**

### **8.28.010 Purpose.**

The purpose of this chapter is to establish a comprehensive countywide system that is adequate to handle all solid waste generated in incorporated and unincorporated areas of the county and that will protect public health and safety; control the flow of county solid waste; prevent land, air, and water pollution; conserve and protect the natural resources and environment of the county; limit the potential liability of the county for improper disposal; and provide for disposal charges that are fair, just and reasonable. These purposes require that all county solid waste, except for waste exempted pursuant to this chapter, be directed to certain disposal sites.

To carry out this purpose, the ordinance codified in this chapter is adopted to regulate the establishment, operation and rates of all disposal sites that are located in the county and the disposal of county solid waste at disposal sites in and outside of the county.

The county, pursuant to powers granted by law by this chapter exercises its authority to control disposal of all solid waste generated and collected within unincorporated areas of the county, to negotiate contracts with parties that operate disposal sites, and to permit cities to use county-designated disposal sites.  
(Ord. 188 § 1, 1994)

### **8.28.020 Definitions.**

As used in this chapter, the following definitions shall apply:

"Agreement" means the Intergovernmental Agreement Regarding Solid Waste Disposal, attached to the ordinance codified in this chapter and incorporated herein by this reference.

"Board" means the board of commissioners of Grays Harbor County.

"Cities" means the cities within Grays Harbor County that have authorized the county to designate solid waste handling facilities for solid waste that originates within those cities.

"Comprehensive solid waste management plan" or "plan" means the county solid waste management plan adopted by the county on February 24, 1992, as it may be amended or superseded from time to time. The comprehensive solid waste management plan is incorporated herein by this reference.

"County" means Grays Harbor County, Washington, a political subdivision of the state of Washington.

"Director" means the Grays Harbor County director of public works or his or her successor in that position or in the position that is subsequently entrusted with substantially all of the responsibilities of the director of public works. With respect to infectious waste, sludge, and septage, the term "director" shall mean the director of Grays Harbor County health department.

"Disposal site" means a disposal site as defined by RCW 70.95.030.

"Handling" means solid waste handling, as defined herein.

"Hazardous waste" means any waste, material or substance (other than asbestos), which is:

1. Defined as hazardous by 40 C.F.R. Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act of 1976, 42 U.S.C., Sections 6901, et seq., as amended by the Hazardous and Solid Waste Amendments ("HSWA") of 1984; the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act ("SARA") of 1986, or any other federal statute or regulation governing the treatment, storage, handling, or disposal of waste, materials or substances, which imposes special handling or disposal requirements similar to those required by Subtitle C, of RCRA; or
2. Defined as dangerous or extremely hazardous by 173-303 WAC and regulated as dangerous waste or extremely hazardous waste by the Washington Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105D RCW, or any other Washington state statute or regulation governing the treatment, storage, handling or disposal of wastes, materials or substances, which imposes special handling or disposal requirements similar to those required by Chapter 70.105 RCW. "Hazardous waste" shall include certain mixed waste as defined under Chapter 173-303 WAC, i.e., a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and source or special nuclear or by-product material subject to the Atomic Energy Act of 1954, moderate risk waste as defined by Chapters 70.102 and 70.105 RCW and problem wastes as defined by Chapter 173-304 WAC. "Hazardous waste" shall not include biomedical waste as defined by Chapter 70.95K RCW, the handling of such biomedical waste being governed by regulations promulgated by the Grays Harbor County department of health.

Certain waste that is not as of the effective date of the ordinance codified in this chapter included in this definition may after that date come within its scope as determined by a governmental entity with jurisdiction; certain other waste that is within the definition may cease to be so included. Accordingly, any waste, material or substance shall be deemed hazardous waste at the time, but only so long as and to the extent that it is included in the definition of hazardous waste set forth above.

"Operator" means any person with whom the county contracts for the design, construction, ownership or operation of any solid waste handling facility.

"Person" means an individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever. .

"Recyclable materials" means recyclable materials as defined by RCW 70.95.030.

"Recycling" means recycling as defined by RCW 70.95.030.

"Solid waste" means solid waste as defined by RCW 70.95.030 with the exception of hazardous waste.

"Solid waste handling" or "handling" means solid waste handling as defined by RCW 70.95.030.

(Ord. 188 § 2, 1994)

### **8.28.030 Establishment of system of solid waste handling.**

A. This chapter establishes a system of solid waste handling for all unincorporated areas of the county in accordance with RCW 36.58.040 and the comprehensive solid waste management plan. In accordance with that plan, the system includes the reduction, processing, recycling, and disposal of solid waste as well as solid waste handling facilities and the designation of facilities as disposal sites. The system may include the handling of the solid waste originating in cities or outside the county. The system shall not include the disposal of hazardous waste. The system and the requirements of this chapter shall be binding upon all persons subject to its provisions with the county.

B. Each element of the system shall be implemented in accordance with the comprehensive solid waste management plan, ordinances and resolutions enacted by the council to further implement that plan, applicable contracts heretofore or hereafter entered into between or among the county, cities, other governmental entities and operators, and applicable local, state, and federal law. In addition, the system and each element thereof shall be implemented, as applicable, in accordance with the priorities set forth in RCW 70.95.010, as it may hereafter be amended.

(Ord. 188 § 3, 1994)

### **8.28.040 Designation of disposal sites.**

The Aberdeen Sanitary Landfill, the Grays Harbor Central Transfer Station, the Elma Transfer Station, the Hogan's Corner Transfer Station, the Humptulips Transfer Station, the Pacific Beach Transfer Station and the Westport Transfer Station are designated as the sole lawful disposal sites for all solid waste (except waste that is diverted from the waste stream by legal self-disposal, utilization, reuse or recycling; wood waste; land-clearing debris, construction debris and demolition debris; and yard clippings and other yard waste; industrial wastes; abandoned vehicles or parts thereof; vehicle tires; and hazardous waste) that:

1. Originates within the unincorporated areas of the county;
2. Originates within a city that has authorized the county to designate solid waste handling facilities for that city's solid waste; or
3. Originates outside the county and is allowed to be handled in the unincorporated areas of the county by applicable ordinance, regulation, contract with an operator, or the director's emergency authorization, as provided below.

The above authorization and direction to designate disposal sites and other solid waste handling facilities for the disposal and other handling of all solid waste includes all solid waste.

B. The board may by resolution designate other disposal sites for the types of solid waste identified in subsection A of this section, or for any other categories of solid waste.

C. The board may designate a solid waste handling facility prior to its construction or receipt of permits necessary for its operation, except that the provisions of Section 8.28.050 shall not be effective with

respect to that facility unless and until it is capable of handling solid waste. Furthermore, no such designation shall release any operator from the responsibility of complying with all applicable local, state, and federal laws and regulations.

D. The director may, in cases of emergency, designate other sites or facilities for the disposal or other handling of solid waste, for a period of not longer than ninety (90) days. A copy of any director's order designating an emergency site or facility shall be filed with the board.

E. The board may impose such rules and charge such fees as he or she may deem necessary or appropriate to govern the disposal and other handling of solid waste at designated facilities, and the county may provide for the establishment of such rules and fees by operators. All persons disposing of solid waste originating within the city at a disposal site or other solid waste handling facility shall comply with those rules and pay those fees, subject to the terms of any applicable interlocal agreement or contract between an operator and the county. The county and any operator may take such actions as it deems necessary and appropriate to enforce those rules and collect those fees, including the barring of any person from use of that facility for noncompliance with the operator's rules or the nonpayment of fees.

F. No solid waste originating within the unincorporated areas of the county may be disposed of at any disposal site or other solid waste handling facility other than at the disposal sites or other facilities designated by the county unless that disposal is allowed by the county consistent with the comprehensive solid waste management plan and applicable contracts with operators.

G. Solid waste shall not be diverted from the solid waste handling facilities designated by the board or the director or handled at any other location or facility, unless that diversion or handling is made by an operator, a city or other governmental entity or as otherwise approved by the director in accordance with any contract between the county and the operator of the facility from which solid waste is being diverted.

H. Facilities that handle recyclable materials shall not be subject to the designation requirements of this chapter unless such a facility is designated as a disposal site. However, recyclable material that is delivered initially to such facility and that ultimately is not recycled shall be subject to this chapter.  
(Ord. 188 § 4, 1994)

#### **8.28.050 Unlawful disposal of solid waste.**

A. It is unlawful for any person to dispose of any solid waste originating within the unincorporated area of the county for which a disposal site is designated under Section 8.28.040, at any site or facility other than a disposal site or other solid waste handling facility designated by the county.

B. Unless the county allows the disposal or other handling of such a material, article or substance, it is unlawful for any person to dispose of or otherwise handle any material, article or substance originating within the unincorporated areas of the county at a disposal site or other solid waste handling facility if that article or substance: (1) is hazardous waste; (2) is not solid waste; or (3) is not solid waste allowed by the county, by interlocal agreement or by contract between the county and an operator to be disposed of or handled at the relevant facility based on the type, volume, time of delivery, means and manner of conveyance or person delivering that solid waste.

C. Each violation of or failure to comply with the provisions of subsections A or B of this section shall be a civil infraction, and any person found in violation thereof shall be subject to a penalty not to exceed one thousand dollars (\$1,000.00). A conviction of a civil infraction shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense. Upon a judgment for fine and costs rendered on a conviction of a violation, execution may be issued against the property of a defendant and returned in the same manner as in civil actions.

D. Each knowing violation of or knowing failure to comply with the provisions of subsections A or B of this section shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed the maximum allowed by law or imprisonment in jail not to exceed the maximum allowed by law, or by both such fine and imprisonment.

E. The penalties authorized in subsections C, D and E of this section shall not be exclusive. Violation of the provisions of this chapter may also give rise to revocation of licenses and permits or such other remedies or actions necessary to carry out the purpose of this chapter.

F. The appropriate officers and employees of the county are authorized and directed to take all lawful actions reasonably available to enforce in a timely manner the provisions of this chapter against any person violating the provisions of those sections, including but not limited to: (1) bringing a civil and/or criminal action against that person and providing testimony and cooperation in the prosecution of that action; (2) barring that person from use of a disposal site or other solid waste handling facility; (3) terminating any contract with or license or franchise granted to that person; (4) requesting that the Washington Utilities and Transportation Commission revoke any person's certificate to collect or transport solid waste or recyclable material; (5) seeking equitable relief against that person; and (6) any other legally available remedy.

G. Any solid waste disposal facility hereafter established, altered, expanded, improved, operated, or maintained in violation of any of the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance. Any violation of this section is declared to be a public nuisance. The prosecuting attorney may take steps as he or she deems necessary to abate such nuisances and to restrain and enjoin further unlawful acts. This section shall not limit or restrict any other power or authority authorized by law.  
(Ord. 188 § 5, 1994)

#### **8.28.060 Approval of intergovernmental agreement.**

The board of county commissioners finds that the execution of the agreement provides for the health and safety of the county, is in the best interests of the residents of the county and is consistent with the comprehensive solid waste management plan and the obligation of the cities and the county to provide for the safe and efficient disposal of solid waste. Therefore, the chair of the board is authorized and directed to execute the agreement on behalf of the county.  
(Ord. 188 § 6, 1994)

#### **8.28.070 Prior acts ratified, approved and confirmed.**

Any acts consistent with the authority and prior to the effective date of the ordinance codified in this chapter are ratified, approved and confirmed.  
(Ord. 188 § 7, 1994)

## Chapter 8.32

### MINIMUM LEVELS OF SERVICE FOR RESIDENTIAL RECYCLING

#### Sections:

8.32.010 Purpose and intent.

8.32.020 Definitions.

8.32.030 Minimum levels of curbside recyclables service for single-family residences.

8.32.040 Bulky item collection.

8.32.050 Minimum levels of service for recyclables collection from multi-family complexes or mobile home parks.

8.32.060 Customer service responsibility and coordinated public outreach programs.

8.32.070 Drop-off sites for recyclable materials.

8.32.080 Reporting requirements for residential recyclables collection.

8.32.090 Processing preferences and disposal limitations.

8.32.100 County notification of WUTC tariff filings.

8.32.110 Full program implementation.

8.32.120 Recycling revenue sharing.

8.32.130 Cities and towns.

#### 8.32.010 Purpose and intent.

A. The purpose of this chapter is to define minimum levels of service for curbside recycling, which shall be provided to households serviced by the solid waste collection companies operating in urban and rural areas of Grays Harbor County.

B. It is the intent of the board of commissioners to:

1. Establish residential recycling programs as an integral component of the collection of solid waste, incorporating the state's goals to make "source separation of waste a fundamental strategy" and to "make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal";
2. Increase diversion of recyclables from single-family and multi-family residences, mobile home parks, and condominiums in Grays Harbor County;
3. Expand the residential recycling program to collect additional types of materials;
4. Make recycling easier and more convenient for residents through use of efficient collection systems;
5. Retain low-cost strategies to encourage participation;
6. Encourage the private sector to develop and operate the recycling facilities that are needed to process and market recyclables collected in Grays Harbor County and its cities and towns; and
7. Establish model residential collection programs suitable for cities and towns to adopt or modify to suit their needs.

(Ord. 356 § 1 (part), 2006)

### **8.32.020 Definitions.**

For the purposes of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

"Automated recycling container or cart," means a wheeled, plastic receptacle designated for the collection of recyclables and designed to be picked up and emptied by mechanical means into the company's collection vehicle.

"Cities" means the cities and towns within Grays Harbor County that have signed interlocal agreements with the board of county commissioners to adopt and implement the Grays Harbor County comprehensive solid waste management plan.

"Commodity credit" means the amount of recycling revenue returned to residential customers from the sale of recyclable materials collected through curbside residential programs, as required by the Washington Utilities and Transportation Commission (WUTC).

"Company recycling plan" means a plan required by RCW 81.77.185 which must be submitted to the WUTC by a certificated solid waste collection company. The plan must be certified by the county as being consistent with the Grays Harbor comprehensive solid waste management plan and must describe the proposed recycling program, how the company proposes to measure change in the recycling rate, and how money retained under revenue-sharing will be used to increase recycling.

"Mobile home park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. The mobile home park is billed for solid waste collection service as a whole and not by individual dwelling units.

"Multi-family residence" means any residential structure containing two or more dwelling units with the units joined to one another and where the structure is billed for solid waste collection service as a whole and not by individual dwelling units. This may include, but is not limited to, apartments and condominiums.

"Recyclable materials" or "recyclables" means those solid wastes that are separated for recycling or reuse and thus diverted from landfill disposal.

"Recycling rate" means the percentage rate achieved by dividing the total tonnage of recyclables by the sum of the total tonnage of waste disposed added to the total tonnage of recyclables.

"Set-out counts" means the number of single-family residential customers that set-out their recycling containers every collection day; or a monthly average of the set-outs as compared to total number of single-family customers.

"Single-family residence" means any residential dwelling receiving solid waste and recycling collection service where the owner or tenant is billed for solid waste collection service to the dwelling as an individual unit. This may include, but is not limited to, duplexes, mobile homes within mobile home subdivisions, or

attached single-family structures such as townhouses, row houses, or triplexes.

"Single-stream collection" means the collection of designated recyclables commingled in one container, generally collected with automated or semi-automated trucks.

"Solid waste collection company" means a privately owned solid waste and recycling hauling company or "hauler," which provides collection services in rural and urban designated areas of Grays Harbor County and is regulated by the WUTC under the provisions of Chapter 81.77 RCW. The companies may be collectively referred to as "certificated haulers" and means every person or his or her lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation over any public highway whether as a "common carrier" or as a "contract carrier."

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Washington Utilities and Transportation Commission" or "WUTC" means the state agency, which regulates privately owned solid waste collection companies who provide collection service to the unincorporated areas under a G certificate.  
(Ord. 356 § 1 (part), 2006)

### **8.32.030 Minimum levels of curbside recyclables service for single-family residences.**

The minimum levels of service for single-family residential curbside collection in Grays Harbor County shall include the following:

A. Single-Stream Collection Service.

1. Collection companies shall offer every-other-week (EOW), single-stream curbside collection of recyclables, excluding glass, to all single-family residences that subscribe to curbside service.
2. The collection companies shall provide the curbside recycling collection with all combinations of garbage can service approved by WUTC for their respective certificated areas.
3. Single-family dwellings receiving curbside garbage collection service shall receive and be billed for curbside recycling service. Households that choose not to participate in the recycling program shall be charged a two-dollar per month surcharge. Participation is defined by actually setting out the recycling container a minimum of once every two months.
4. Single-family dwelling not receiving curbside garbage collection service must contact the service provider if they wish to receive and be billed for curbside recycling collection service.
5. The collection services to the customers shall be on the same day as garbage collection,

unless the collection company can demonstrate to the county that an alternative collection schedule is necessary because of geographic or development limitations, such as road width or density, that require an alternative truck system or collection schedule.

- a. The hauler shall identify the location of the area affected; the alternative collection schedule; and the reasons supporting the alternative.
- b. The county shall consider whether the number of customers affected is minimized; that program participation is not adversely affected; whether there is substantial cost savings due to the alternative schedule; whether an alternative collection schedule can result in higher levels of participation and recycling; and other information presented by the hauler.

B. Recycling Collection Containers.

1. Collection companies shall provide one wheeled container of approximately ninety-six (96) gallons to each of their single-family customers signed up for curbside collection. The containers shall be made of durable plastic materials and manufactured using a maximum percentage of recycled materials that meet specifications.
2. All containers shall contain, or have attached, information about the proper preparation of materials and with a telephone number and name of the certified hauler. The information may be stamped into the container, on a waterproof sticker, a combination of both, or some other alternative, which provides the customer with sufficient permanent information to be able to contact the hauler.
3. Replacement of the containers necessitated by normal use or by container damage due to the haulers negligence shall be the responsibility of the hauler. Replacement necessitated by container damage or loss due to the customer's negligence shall be at the customer's expense.

C. Exceptions. Collection alternatives for restricted access or storage situations, or for residents with limited mobility.

1. Criteria. Collection companies shall have a process in place to work cooperatively with residents to tailor the single-stream recycling collection service to meet the needs of residents in situations where:
  - a. Private driveways are inaccessible or incapable of withstanding the weight of collection trucks and collection of recyclables or garbage cannot be provided under the approved drive-in rate tariff for such situations;
  - b. Because of long, steep and/or winding driveways, a resident would have difficulty in moving a large recycling container, manually or by vehicle, from their house to the public access road for collection;

- c. A resident could not provide a storage place to keep recycling or garbage containers at the end of the driveway close to the public access road;
    - d. Truck access or container size is in any way otherwise restricted due to density and road width or where outside container storage is limited by home owner association covenants; or
    - e. Residents with special needs, such as physical infirmity or physical limitations, with no able-bodied person living in the residence to set out the container, and need reasonable accommodation.
  2. Alternatives. Collection companies shall offer alternatives that suit their collection system or the particular customer's limitation. The alternatives may include:
    - a. A drive-in tariff rate for those situations where a recycling truck can negotiate the long-driveway and where the driveway can support the weight of the truck;
    - b. Collection companies will work with customers on a case-by-case basis. An alternative container may be available with no additional cost above the basic tariff recycling rate;
    - c. Any other solution mutually agreed to by the customer and the solid waste collection company per WAC 480-70-366.
  3. Monitoring. Collection company shall have a written process explaining in detail how customers may request an alternative and the steps the company will take to work with the customer to develop a solution.
  4. Nothing in this section requires residential customers to participate in the recycling collection program or prevents residents from transporting recyclables to drop-off recycling sites.
  5. Nothing in this section would prevent or require collection companies from developing a centralized drop-off site in neighborhoods, to be maintained by the hauler, where such access problems are clustered or where covenants prevent outside storage of containers.
- D. Materials Collected. The following recyclable materials, at a minimum, shall be collected from single-family residences when properly prepared and meeting the material description as specified.
  1. Cardboard -- corrugated cardboard and Kraft paper, including unbleached, unwaxed paper with a ruffled ("corrugated") inner liner.
  2. Metal cans -- tin-coated steel cans and aluminum cans, excluding aerosol spray cans.
  3. Mixed-waste paper -- clean and dry paper, including: glossy papers; magazines; catalogs;

phone books; cards; laser-printed white ledger paper; windowed envelopes; paper with adhesive labels; paper bags; non-metallic wrapping paper; packing paper; glossy advertising paper; chipboard, such as cereal and shoeboxes; and milk-style cartons of the refrigerated variety (non-refrigerated products contain aluminum linings).

4. Newspaper -- printed groundwood newsprint, including glossy advertisements and supplemental magazines that are delivered with the newspaper.
  5. Plastics. Bottles #1-7: primarily polyethylene terephthalate (PET - #1), such as softdrink, water, and salad dressing bottles; and high-density polyethylene (HDPE - #2) such as milk, shampoo, or laundry detergent bottles; but including any bottle with a neck narrower than its base.
- E. Optional Materials. Nothing in this chapter shall prohibit a hauler from exceeding the minimum requirements by collecting additional materials including, but not limited to, glass, food waste, scrap metal, or other types of plastic.
- F. Amending the List of Required Materials. Prior to proposing any amendments to the list of materials to be collected, the county will discuss any proposed changes with the haulers.
- G. Recycling Collection Rates. Collection companies shall request the WUTC to approve a rate structure, which includes the costs to implement the modified single-stream residential curbside recycling program for all solid waste customers contained in this chapter for these minimum levels of service. The collection companies shall include the following elements in the tariffs submitted to the WUTC:
1. A rate structure designed to provide customers with adequate options and incentives to reduce their level of solid waste collection service as a result of their participation in waste reduction and recycling programs;
  2. A weekly twenty (20) gallon mini-can garbage rate combined with every-other-week recycling collection; or a comparable alternative, such as a rate for every-other-week or monthly garbage collection with recycling. The rate for these services shall include the cost of recycling collection but shall be less than the cost of a weekly thirty-two (32) gallon can garbage service, or, if applicable, a weekly sixty-five (65) gallon can garbage service.
  3. Collection costs shall be distributed throughout the service area to all single-family ratepayers and should include the collection company's administration costs.
  4. The rates shall include the costs of the containers, stickers, collection equipment and staffing.
  5. The rates shall include the haulers' costs for monitoring set-out participation and any other costs for the data reporting system required by the county.

6. The haulers shall capitalize and amortize the equipment costs as determined by the WUTC.

(Ord. 356 § 1 (part), 2006)

#### **8.32.040 Bulky item collection.**

Special services for bulky item pickup opportunities shall be available to all residents that subscribe to curbside collection service, for an additional fee.

(Ord. 356 § 1 (part), 2006)

#### **8.32.050 Minimum levels of service for recyclables collection from multi-family complexes or mobile home parks.**

Reserved.

(Ord. 356 § 1 (part), 2006)

#### **8.32.060 Customer service responsibility and coordinated public outreach programs.**

Collection companies shall work with the county to develop and implement a coordinated public outreach program.

- A. Haulers' customer service responsibilities shall include, but not be limited to:
  1. Notifications of new service availability, program sign-up, container delivery, bin stickers, explanation of rate structure, schedule of collection days and container replacement information;
  2. Delivery of containers within twenty-one (21) days of a request for service with collection service beginning within thirty-five (35) days of a request;
  3. A telephone hotline for their certificated area, which shall be:
    - a. Accessible to residents for the purpose of providing program information and accepting service complaints,
    - b. Clearly shown on the collection equipment and all recycling collection containers, included in all mailings, and other publicity materials;
  4. A process to resolve participation problems if access to the program is restricted due to impassable road conditions, other than those occasionally caused by severe weather situations. If the hauler deems the road conditions are regularly impassable by collection vehicles, the hauler will work with customers to determine a mutually agreed upon location for the collection of recyclables preferably from the nearest roadway which is accessible by the hauler's collection vehicle;
  5. Notification to both new and ongoing solid waste customers of: different trash collection

service options, frequency, and costs; recycling container provided to all solid waste customers who are currently recycling and those who request one; and bulky item collection availability. Hauler shall notify solid waste customers of the above during phone calls, in billing inserts and special mailings, and during new service sign up procedures.

- B. At the initiation of a new collection program to allow for coordination of promotional and educational efforts, haulers shall provide the county with container delivery schedules and collection schedules showing where implementation will begin by geographic areas. Implementation may be staged.
- C. County responsibilities shall include the development of a public outreach program. The program should include:
  - 1. News releases and an advertising campaign;
  - 2. Coordination of design of brochures and other materials with information on the new program to be mailed to customers via hauler billings or to be distributed with new bins by the hauler. Ongoing design of brochures and other materials, to be included with hauler billings, that educates residents on the curbside recycling program as well as various waste reduction methods above and beyond curbside recycling;
  - 3. A county website providing recycling information and glass drop-off locations;
  - 4. Incorporation of information about programs into youth and adult environmental education programs;
  - 5. Presentations to civic groups.

(Ord. 356 § 1 (part), 2006)

### **8.32.070 Drop-off sites for recyclable materials.**

The collection company shall work with the county to expand the number of drop-off sites to provide convenient access for residents and businesses to self haul recyclable materials.

- A. To be eligible for consideration under the revenue sharing plan described in this chapter, collection companies must meet the following minimal service levels for drop-off sites:
  - 1. Containers at drop-off sites can be designed for either separate collection of each recyclable material or for commingled collection;
  - 2. Collection companies shall provide expanded opportunities for residents and businesses to drop-off all colors of bottle glass. This may include glass collection containers placed at local businesses, standalone glass drop-off sites; or another glass collection alternative as described in the company recycling plan;

3. Drop-off sites must meet development regulation requirements for location, site design, fencing, and signage, and have adequate access and turnaround areas to serve the public;
4. Nothing in this section would prevent collection companies from providing additional recycling opportunities at drop-off sites.

(Ord. 356 § 1 (part), 2006)

#### **8.32.080 Reporting requirements for residential recyclables collection.**

Collection companies shall provide the county with regular and accurate reports of data on all residential recycling collection services as determined necessary by the county for evaluating the effectiveness of recycling programs.

##### **A. Single-Family Curbside Recyclables Collection Program.**

1. At a minimum, quarterly reports will be provided at the end of the month following the quarter and shall contain the following data:
  - a. The number of single-family solid waste collection customers subscribing curbside recycling;
  - b. Aggregate tonnage of each recyclable material collected from single-family customers;
  - c. Average of recyclables collected per single-family customer expressed as pounds recyclables per customer;
  - d. Aggregate tonnage of solid waste disposed from single-family customers;
  - e. Residential recycling rate.
2. Annual reports shall include an analysis of program efficiency and participation in the curbside program.

(Ord. 356 § 1 (part), 2006)

#### **8.32.090 Processing preferences and disposal limitations.**

A. Solid waste collection companies shall use processing facilities that have obtained all applicable local, state, and federal permits. Whenever possible, local businesses shall be given priority and should be used to receive recyclables for purposes of processing, handling, or remanufacturing the materials into new products.

B. The haulers shall not dispose of marketable recyclables by landfill or incineration without the county's consent. The county shall not withhold consent unreasonably in the case of contaminated loads, which are unmarketable.

(Ord. 356 § 1 (part), 2006)

### **8.32.100 County notification of WUTC tariff filings.**

Whenever a collection company files a proposed tariff revision for solid waste, or recycling collection rates with the WUTC, the collection company shall simultaneously provide the county with copies of the proposed tariff submitted to the WUTC and all supporting materials. Any propriety information provided to the county shall be handled as confidential to the extent allowed by law.

- A. The county shall review the rates for compliance in relation to the Grays Harbor County solid waste management plan, and minimum service level ordinances.
- B. After tariffs are approved by the WUTC, the collection company shall notify the county of the approved rates and the effective dates.

(Ord. 356 § 1 (part), 2006)

### **8.32.110 Full program implementation.**

If it is determined that the programs specified in this chapter are not fully implemented, the board of county commissioners, or the county utilities and development director shall notify the WUTC that the county will exercise its authority under RCW 36.58.040 to contract for the collection of recyclables from residences in Grays Harbor County.

- A. Full Implementation. The programs shall be considered fully implemented when the following conditions are met:
  - 1. The certificated hauler has received approval by the WUTC for its tariff filings for recyclables; and
  - 2. The services are available to all who want the service.
- B. Contract for Collection. In the event the county is dissatisfied with the implementation of the specified programs and, after having notified the certificated hauler, finds the hauler has failed to cure the perceived omission within one hundred twenty (120) days, the county will exercise its authority to contract for the collection of residential recyclables. The county will:
  - 1. Notify the hauler of the county's intent to exercise its authority;
  - 2. Will select a recycling contract through a request for proposal process that considers, among other factors, experience, qualification, and costs.

(Ord. 356 § 1 (part), 2006)

### **8.32.120 Recycling revenue sharing.**

To be eligible for commodity revenue sharing as provided in RCW 81.77.185, the certificated solid waste collection companies shall work with the county to create a company recycling plan.

- A. The company recycling plan shall be in effect for two years after full implementation of the new

program, at which time it will be subject for review and evaluation to determine its success in increasing customer participation in recycling programs and increasing diversion of recyclable materials.

- B. To have the plan certified by the county, the company recycling plan shall include, but not be limited to:
1. A description of how the collection company will implement the single stream collection system of this chapter, including proposed rate structures and an implementation schedule;
  2. A description of how the solid waste collection company will meet the customer service responsibilities of this chapter, including how it will work with the county on a coordinated public outreach program;
  3. Two years of past residential recycling baseline data which includes:
    - a. Annual commodity revenues and recycling tonnage (by month and commodity); collected by franchise area,
    - b. Number of residential customers receiving recycling service,
    - c. Monthly tonnage of solid waste disposed by residential customers,
    - d. Pounds of garbage collected per household reported by the year at a minimum; but by the month if the data is still available,
    - e. A calculation of the recycling percentage rate by month;
  4. A description of how the solid waste collection company will monitor set outs and otherwise meet the reporting requirements of this chapter;
  5. A description of how the solid waste collection company plans to use the revenues to increase recycling through other alternatives or to collect other types of recyclables.

(Ord. 356 § 1 (part), 2006)

### **8.32.130 Cities and towns.**

Collection companies shall offer the same or similar recycling collection services as provided to unincorporated Grays Harbor County to the cities and towns with which they contract in Grays Harbor County.  
(Ord. 356 § 1 (part), 2006)