



King County

KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

June 23, 2008

### R&R

**Proposed No.** BOH08-03.1

1 A RULE AND REGULATION for the protection of the  
2 public health against the spread of disease from sewage;  
3 amending R&R 3, Part 1, Section 2, as amended, and BOH  
4 13.04.020, R&R 3, Part 13, Section 1, as amended, and  
5 BOH 13.04.050, R&R 99-01, Section 2 (part), and BOH  
6 13.04.054, R&R 3, Part 13, Section 2, as amended, and  
7 BOH 13.04.060, R&R 3, Part 13, Section 3, as amended,  
8 and BOH 13.04.070, R&R 99-01, Section 2 (part), and  
9 BOH 13.08.018, R&R 99-01, Section 2 (part), and BOH  
10 13.08.084, R&R 99-01, Section 2 (part), and BOH  
11 13.08.086, R&R 3, Part 1, Section 5 (part), as amended,  
12 and BOH 13.08.090, R&R 99-01, Section 2 (part), and  
13 BOH 13.08.114, R&R 3, Part 1, Section 5 (part), as  
14 amended, and BOH 13.08.120, R&R 3, Part 1, Section 5  
15 (part), as amended, and BOH 13.08.130, R&R 99-01,  
16 Section 2 (part), and BOH 13.08.132, R&R 3, Part 1,  
17 Section 5 (part), as amended, and BOH 13.08.140, R&R

18 99-01, Section 2 (part), and BOH 13.08.152, R&R 3, Part  
19 1, Section 5 (part), as amended, and BOH 13.08.170, R&R  
20 3, Part 1, Section 5 (part), as amended, and BOH  
21 13.08.180, R&R 99-01, Section 2 (part), and BOH  
22 13.08.202, R&R 99-01, Section 2 (part), and BOH  
23 13.08.214, R&R 99-01, Section 2 (part), and BOH  
24 13.08.218, R&R 3, Part 1, Section 5 (part), as amended,  
25 and BOH 13.08.220, R&R 3, Part 1, Section 5 (part), as  
26 amended, and BOH 13.08.280, R&R 99-01, Section 2  
27 (part), and BOH 13.08.284, R&R 99-01, Section 2 (part),  
28 and BOH 13.08.322, R&R 99-01, Section 2 (part), and  
29 BOH 13.08.324, R&R 3, Part 1, Section 5 (part), as  
30 amended, and BOH 13.08.350, R&R 3, Part 1, Section 5  
31 (part), as amended, and BOH 13.08.360, R&R 3, Part 1,  
32 Section 5 (part), as amended, and BOH 13.08.370, R&R  
33 99-01, Section 2 (part), and BOH 13.08.372, R&R 3, Part  
34 1, Section 5 (part), as amended, and BOH 13.08.400, R&R  
35 3, Part 1, Section 5 (part), as amended, and BOH  
36 13.08.420, R&R 3, Part 1, Section 5 (part), as amended,  
37 and BOH 13.08.470, R&R 99-01, Section 2 (part), and  
38 BOH 13.08.472, R&R 3, Part 1, Section 5 (part), as  
39 amended, and BOH 13.08.480, R&R 99-01, Section 2  
40 (part), and BOH 13.08.484, R&R 99-01, Section 2 (part),

41 and BOH 13.08.496, R&R 3, Part 1, Section 5 (part), and  
42 BOH 13.08.500, R&R 3, Part 10, Section 3 (E), as  
43 amended, and BOH 13.12.090, R&R 3, Part 12, Section 1,  
44 as amended, and BOH 13.16.010, R&R 3, Part 2, Section 1,  
45 as amended, and BOH 13.20.010, R&R 3, Part 2, Section 2  
46 (A), as amended, and BOH 13.20.020, R&R 3, Part 2,  
47 Section 2 (B), as amended, and BOH 13.20.030, R&R 99-  
48 01, Section 2 (part), and BOH 13.20.035, R&R 3, Part 2,  
49 Section 3, as amended, and BOH 13.20.040, R&R 3, Part 3,  
50 Section 1, as amended, and BOH 13.24.010, R&R 3, Part 3,  
51 Section 2, as amended, and BOH 13.24.020, R&R 3, Part 3,  
52 Section 3, as amended, and BOH 13.24.030, R&R 3, Part 3,  
53 Section 4, as amended, and BOH 13.24.040, R&R 3, Part 3,  
54 Sections 1 and 4, as amended, and BOH 13.28.010, R&R 3,  
55 Part 4, Section 2, as amended, and BOH 13.28.020, R&R 3,  
56 Part 4, Section 3, as amended, and BOH 13.28.030, R&R 3,  
57 Part 4, Section 4, as amended, and BOH 13.28.040, R&R 3,  
58 Part 4, Section 5, as amended, and BOH 13.28.050, R&R 3,  
59 Part 4, Section 6, as amended, and BOH 13.28.060, R&R 3,  
60 Part 4, Section 7, as amended, and BOH 13.28.070, R&R 3,  
61 Part 5, Section 1 (A) (4), as amended, and BOH 13.32.050,  
62 R&R 3, Part 5, Section 1 (A) (5), as amended, and BOH  
63 13.32.060, R&R 3, Part 5, Section 2 (A), as amended, and

64 BOH 13.36.010, R&R 3, Part 5, section 2 (B), as amended,  
65 and BOH 13.36.020, R&R 3, Part 5, Section 2 (C), as  
66 amended, and BOH 13.36.030, R&R 99-01, Section 2  
67 (part), and BOH 13.40.001, R&R 99-01, Section 2 (part),  
68 and BOH 13.40.005, R&R 3, Part 5, Section 3 (A), as  
69 amended, and BOH 13.40.010, R&R 3, Part 5, Section 3  
70 (C), as amended, and BOH 13.40.030, R&R 3, Part 5,  
71 Section 3 (D), as amended, and BOH 13.40.040, R&R 3,  
72 Part 5, Section 3 (E), as amended, and BOH 13.40.050,  
73 R&R 3, Part 5, Section 4, as amended, and BOH 13.44.010,  
74 R&R 3, Part 5, Section 6, as amended, and BOH 13.48.010,  
75 R&R 3, Part 5, Section 6, as amended, and BOH 13.48.020,  
76 R&R 3, Part 5, Section 7, as amended, and BOH 13.48.030,  
77 R&R 99-01, Section 2 (part), and BOH 13.48.060, R&R 3,  
78 Part 6, Section 1, as amended, and BOH 13.52.010, R&R 3,  
79 Part 6, Section 2, as amended, and BOH 13.52.020, R&R 3,  
80 Part 6, Section 3, as amended, and BOH 13.52.030, R&R  
81 99-01, Section 2 (part), and BOH 13.52.040, R&R 3, Part  
82 6, Section 5, as amended, and BOH 13.52.050, R&R 99-01,  
83 Section 2 (part), and BOH 13.52.054, R&R 3, Part 6,  
84 Section 6, as amended, and BOH 13.52.060, R&R 3, Part 7,  
85 Section 1, as amended, and BOH 13.56.010, R&R 3, Part 7,  
86 Section 2, as amended, and BOH 13.56.020, R&R 3, Part 7,

87 Section 3, as amended, and BOH 13.56.030, R&R 3, Part 7,  
88 Section 4, as amended, and BOH 13.56.040, R&R 3, Part 7,  
89 Section 5, as amended, and BOH 13.56.050, R&R 99-01,  
90 Section 2 (part), as amended, and BOH 13.56.054, R&R 3,  
91 Part 7, Section 6, as amended, and BOH 13.56.060, R&R  
92 99-01, Section 2 (part), and BOH 13.60.005, R&R 3, Part  
93 8, Section 1, as amended, and BOH 13.60.010, R&R 3, Part  
94 8, Section 2, as amended, and BOH 13.60.020, R&R 3, Part  
95 9, Section 1, as amended, and BOH 13.64.010, R&R 3, Part  
96 9, Section 2, as amended, and BOH 13.64.020 R&R 3, Part  
97 11, Section 1, as amended, and BOH 13.68.010, R&R 3,  
98 Part 11, Section 3, as amended, and BOH 13.68.030, R&R  
99 99-01, Section 2 (part), and BOH 13.68.036 and R&R 99-  
100 01, Section 2 (part), as amended, and BOH 2.18.020,  
101 adding a new section to BOH chapter 13.04, adding new  
102 sections to BOH chapter 13.08, adding a new section to  
103 BOH chapter 13.56, adding new sections to BOH chapter  
104 13.52, adding a new section to BOH chapter 13.60;  
105 recodifying 13.08.086 and 13.20.050 and repealing R&R 3,  
106 Part 1 Section 5 (part) and BOH 13.08.030, R&R 99-01,  
107 Section 2 (part), and BOH 13.08.034, R&R 99-01, Section  
108 2 (part), and BOH 13.08.046,. R&R 99-01, Section 2 (part),  
109 and BOH 13.08.048, R&R 99-01, Section 2 (part) and

110 BOH 13.08.088, R&R 99-01, Section 2 (part), and BOH  
111 13.08.118, R&R 3, Part 1 Section 5 (part), and BOH  
112 13.08.150, R&R 99-01, Section 2 (part), and BOH  
113 13.08.262, R&R 99-01, Section 2 (part), and BOH  
114 13.08.434, R&R 99-01, Section 2 (part), and BOH  
115 13.08.492, R&R 99-01, Section 2 (part), and BOH  
116 13.08.494 and R&R 99-01, Section 2 (part), and BOH  
117 13.08.495; and making technical corrections; enacted  
118 pursuant to RCW 43.20.050 and 70.05.060, including the  
119 latest amendments or revisions thereto.

120

121 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

122 SECTION 1. R&R 3, Part 1, Section 2, as amended, and BOH 13.04.020 are each  
123 hereby amended to read as follows:

124 **Declaration of purpose and policy.**

125 A. In compliance with (~~WAC 246-272~~) chapter 246-272A WAC, this title is  
126 enacted as an exercise of the Board of Health power of King County to protect and  
127 preserve the public health. Its provisions shall be liberally construed for the  
128 accomplishment of this purpose.

129 B. It is expressly the purpose of this title to provide for and promote the health of  
130 the general public, and not to create or otherwise establish or designate any particular  
131 class or group of persons who will or should be especially protected or benefited by the  
132 terms of this title.

133 C. It is the specific intent of this title to place the obligation of complying with its  
134 requirements upon the owner ~~((and/))~~ or operator of premises and ~~((/or))~~ other persons  
135 designated by this title within its scope, and no provision of ~~((nor))~~ or term used in this  
136 title is intended to impose any duty whatsoever upon King County or any of its officers or  
137 employees, for whom the implementation or enforcement of this title shall be  
138 discretionary and not mandatory.

139 D. Nothing contained in this title is intended to be nor shall be construed to create  
140 or form the basis for any liability on the part of King County, or its officers, employees or  
141 agents, for any injury or damage resulting from the failure of the owner ~~((and/))~~ or  
142 operator of any premises to comply with the provisions of this title, or by reason or in  
143 consequence of any act or omission in connection with the implementation or  
144 enforcement of this title on the part of King County by its officers, employees or agents.

145 SECTION 2. R&R 3, Part 13, Section 1, as amended, and BOH 13.04.050 are  
146 each hereby amended to read as follows:

147 **Connection to public sewer.**

148 A. The owner or occupant of lands or premises located within the Urban Growth  
149 Area ~~((t))~~, as defined in the King County Comprehensive Plan ~~((t))~~, undertaking new  
150 residential or non ~~((-))~~ residential construction, short subdivision or subdivision from  
151 which sewage will originate shall connect the construction to a public sewer ~~((, provided))~~  
152 if the sewer utility permits such connection. Within unincorporated King County such  
153 connection shall be in accordance with King County Code Section 13.24.136. Within  
154 incorporated cities such connection shall be in accordance with the policies of that city or

155 the local sewer utility. The connection shall be made by connecting the building drain  
156 with an approved side sewer, and the side sewer to the public sewer.

157 B. For existing development located within or outside the Urban Growth Area  
158 and which is within two hundred feet ~~((200'))~~ of a public sewer, where an on-site  
159 sewage system is operating, ~~((connection to the public sewer is required))~~ the owner shall  
160 abandon the on-site sewage system in accordance with WAC 246-272A-0300 and  
161 connect the sanitary drainage system to the public sewer when the sewerage authority  
162 permits such connection and when:

163 1. Repair, modification or replacement of the on-site sewage system is  
164 necessary, or the existing ~~((OSS))~~ on-site sewage system has failed and an ~~((OSS))~~ on-  
165 site sewage system fully conforming to this title cannot be designed and installed, or

166 2. ~~((At such time that additional))~~ Additional construction which in any way  
167 affects the on-site sewage system is proposed.

168 C. The distances set forth in subsection B<sub>2</sub> of this section shall be calculated  
169 along the shortest route in road rights-of-way and easements, consistent with the compre-  
170 hensive planning and sewer extension practices of the sewer utility involved, from the  
171 existing sewer to the nearest point of the lands or premises to be served.

172 D. Every plumbing fixture and every sanitary drainage system not connected to a  
173 public sewer, or not required by law to be connected to a public sewer, shall be connected  
174 to an ~~((OSS))~~ on-site sewage system.

175 SECTION 3. R&R 99-01, Section 2 (part), and BOH 13.04.054 are each hereby  
176 amended to read as follows:

177 **Abandonment.**



178 A. Persons permanently removing a septic tank, seepage pit, cesspool((;)) or  
179 other OSS wastewater tanks from service shall within ((30)) thirty days:

- 180 1. Have the septage removed by an approved pumper; and
- 181 2. Remove or destroy the lid; and
- 182 3. Fill the void with compacted soil or gravel; and
- 183 4. Report the abandonment to the health officer on a form obtained from the  
184 health officer and accompanied by the fee specified in the fee schedule.

185 B. Contaminated rock, sand and gravel material from repairs to failing OSS shall  
186 be properly disposed of by either burying at an appropriate location approved by the  
187 health officer or transported to an approved sanitary landfill. The process of disposal  
188 shall be supervised by a licensed master installer.

189 SECTION 4. R&R 3, Part 13, Section 2, as amended, and BOH 13.04.060 are  
190 each hereby amended to read as follows:

191 ~~((Surface discharge prohibited. Sewage, including treated effluent from an OSS~~  
192 ~~(or side sewer), including septic tank waste as per WAC 246-272-19501 (Septage~~  
193 ~~Management), shall not be discharged to surface water or upon the surface of the~~  
194 ~~ground)) **Failure prohibited.** An owner may not allow an on-site sewage system or  
195 component or side sewer to remain in a condition of failure as defined in BOH chapter  
196 13.08. The owner must cause the system, component or side sewer to be repaired or  
197 replaced, or the property served by the system to be connected to public sewer, as  
198 applicable, in accordance with the requirements of this title.~~

199 SECTION 5. R&R 3, Part 13, Section 3, as amended, and BOH 13.04.070 are  
200 each hereby amended to read as follows:

201           **Domestic water supply source.** No on-site sewage system ~~((shall))~~ may be  
202 constructed~~((, maintained or used))~~ or expanded if the plumbing fixtures draining to the  
203 system are not supplied with water ~~((under pressure pursuant to KCC 13.24.138 or~~  
204 ~~13.24.140 and))~~ from an approved source. An approved water source consists of one  
205 ~~((+))~~ of the following:

206           A. Public ~~((W))~~water ~~((S))~~source: A public water source currently in compliance  
207 with ~~((WAC))~~ chapter 246-290 or ~~((WAC))~~ 246-291 WAC and BOH Title 12 ~~((of this~~  
208 ~~code))~~.

209           B. Private ~~((I))~~individual ~~((W))~~well ~~((S))~~source: A private well on a lot five (5)  
210 acres or greater in size~~((<sup>+</sup>))~~ or a lot created prior to May 18, 1972, which complies with  
211 all of the following conditions:

212           1. Source ~~((L))~~location ~~((A))~~approval: Any proposed new or replacement  
213 individual private well location shall be submitted to the health officer and receive  
214 approval prior to construction of the water source.

215           ~~((a))~~ a. All private water system development in the Urban Growth Area or in  
216 the Rural Area as defined by the King County Comprehensive Plan is subject to the  
217 provisions of King County Code 13.24.140 and 13.24.138, respectively.

218           ~~((b))~~ b. Proposed new initial water source locations shall be accurately  
219 specified upon an OSS site design application and shall be submitted for review by the  
220 health officer in conjunction with evaluation of the proposed OSS design. If the

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~~((1. For new lots created after February 2, 1995 lot area placed into a separate sensitive  
area protection tract in accordance with KCC 21A.24.180 may be included in the  
computation of the minimum five (5) acre lot size required by this section.))~~

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221 protective well radius is within ten feet of any lot line, easement line or any source of  
222 contamination, the health officer may require the well site to be surveyed.

223 ~~((e))~~ c. Application for replacement water source locations shall be made on  
224 forms obtained from the health officer and shall be accompanied by a review fee as  
225 specified in the fee ~~((table))~~ schedule.

226 ~~((d))~~ d. The new or replacement well location shall be clearly identified at the  
227 site.

228 e. Information shall be provided as part of the source location application to  
229 include, at minimum~~((;A))~~, a completely dimensioned plot plan, drawn to a scale not  
230 smaller than one inch ~~((1"))~~ equals one-hundred feet ~~((100'))~~ accurately showing the  
231 location of the proposed water source relative to property boundary lines, existing and  
232 proposed OSS components including OSS reserve area, existing and proposed structures,  
233 roads and driveways, surface water, direction of surface drainage, a designated source  
234 protection sanitary control area and any other features relevant to the siting of a water  
235 source location.

236 ~~((e) Within thirty (30) days of receiving a complete application the health~~  
237 ~~officer shall approve or deny said application or notify the applicant that the application~~  
238 ~~is approved, denied or pending. Reasons for denial or pendency of the application will be~~  
239 ~~in writing.~~

240 ~~((f))~~ f. A well source site approval is valid for ~~((a period of))~~ two ~~((2))~~ years  
241 from the date of approval or until the expiration of a building permit issued by the  
242 building official for construction of the primary structure to be served by the new well,  
243 whichever period is longer.

244           2. Source ~~((P))~~protection ~~((C))~~covenant: The property owner shall establish a  
245 source protection sanitary control area by providing a recorded protective covenant  
246 prohibiting, within a horizontal distance of not less than one hundred feet ~~((100'))~~ of the  
247 well, potential sources of contamination as described in ~~((the Code of the King County  
248 Board of Health Title 12, Section))~~ BOH 12.24.010 and WAC ~~((sections 173-160-020  
249 and 173-160-205))~~ 173-160-171.

250           3. Demonstrate adequate water quantity by ~~((either))~~:

251           ~~((a))~~ a. Drilling, in known or suspected areas of low production, the well and  
252 conducting a ~~((4))~~ four hour pump test ~~((which))~~ that demonstrates that the proposed  
253 source well is capable of providing water to a residential dwelling in the amount of not  
254 less than ~~((400))~~ four hundred gallons per day. ~~((Section 4, Individual Water Supply  
255 Systems, Guidelines for Determining Water Availability for New Buildings, April, 1993,  
256 Ecology Publications 93-27).))~~ This pump test may be required to be performed during  
257 the months of August, September or October at the health officer's discretion; or

258           ~~((b))~~ b. Providing, in all other areas, adequate information to the satisfaction  
259 of the health officer to demonstrate the aquifer's capability to provide four hundred  
260 gallons per day. This information may include well logs or pumping reports from  
261 neighboring wells utilizing the same aquifer. The neighboring well or wells shall be  
262 shown on a map of the surrounding area identifying both the subject property and the  
263 location of the well or wells identified as neighboring. The map shall be included with  
264 the OSS site design application submittal.

265           4. Demonstrate adequate water quality by submitting results of all tests taken for  
266 the following and showing:

267            ~~((a))~~ a. ~~((at))~~ At least one ~~((+))~~ bacteriological analysis from the source  
268 water which does not exceed the maximum contaminant level prescribed in WAC 246-  
269 291-320 ~~((-))~~; and

270            ~~((b))~~ b. At least one ~~((+))~~ chemical test for nitrate and arsenic from the  
271 source water described in table 1, WAC 246-291-330 which does not exceed the max-  
272 imum contaminant level per WAC 246-291-330.

273            5. Provide a copy of well driller's report per requirements of WAC 173-160-  
274 050.

275            6. Construction of the well must meet Washington ~~((S))~~ state Department of  
276 Ecology's construction standards as per requirements of WAC ~~((C))~~ chapter 173-160.

277            C. A private spring on a lot five ~~((S))~~ acres~~((+))~~ or greater or a lot created prior  
278 to May 18, 1972, ~~((which))~~ that complies with all of the following conditions prior to  
279 application for OSS site design approval:

280            1. Application for an individual private spring water source shall be made on  
281 forms provided by the health officer and shall be accompanied by a fee as specified in the  
282 fee ~~((table))~~ schedule.

283            2. The application shall include: a recorded protective covenant of no less  
284 than two hundred feet ~~((200'))~~ up slope and one hundred feet ~~((100'))~~ down slope from  
285 the spring prohibiting any potential sources of contamination as described in BOH  
286 13.04.070 B.2~~((-))~~, a spring location plot plan, a detailed spring construction plan~~((;))~~ and  
287 information demonstrating acceptable water quality and quantity as specified ~~((by the~~  
288 ~~Code of the King County Board of Health))~~ in ~~((section))~~ BOH 12.20.040 and ~~((WAC~~  
289 ~~C))~~ chapter 246-291 WAC.

290 ((                    

291 1. ~~For new lots created after February 2, 1995 lot area placed into a separate sensitive~~  
292 ~~area protection tract in accordance with KCC 21A.24.180 may be included in the~~  
293 ~~computation of the minimum five (5) acre lot size required by this section.))~~

294 3. ~~Within 30 days of receiving a complete application the health officer shall~~  
295 ~~approve, deny or notify the applicant that the application is pending. Reasons for denial~~  
296 ~~or pendency of the application shall be stated in writing.))~~

297 D. Lot area designated in whole or in part as a critical area may be included in  
298 the computation of the minimum five-acre lot size required by this section.

299 NEW SECTION. SECTION 6. There is hereby added a new section to BOH  
300 chapter 13.04 to read as follows:

301 **Enforcement and rulemaking authority.** Except as specifically otherwise  
302 provided in this title, the health officer shall have the authority to enforce the provisions  
303 of this title in accordance with BOH chapter 1.08. The health officer is also authorized to  
304 adopt rules consistent with this title for the purpose of enforcing and carrying out this  
305 title.

306 SECTION 7. R&R 99-01, Section 2 (part), and BOH 13.08.018 are each hereby  
307 amended to read as follows:

308 **Abbreviations.**

309 A. "ASTM" means American Society of Testing Material.

310 B. "ATU" means Aerobic Treatment Unit.

311 C. "BOD<sub>5</sub>" means biochemical oxygen demand, typically expressed in mg/L.

- 312 D. "CBOD<sub>5</sub>" means carbonaceous biochemical oxygen demand, typically  
313 expressed in mg/L. For purposes of approximate conversion from BOD<sub>5</sub> to CBOD<sub>5</sub>,  
314 multiply the BOD<sub>5</sub> by 0.83.
- 315 E. "CEU" means continuing education unit.
- 316 F. "DDES" means King County ((~~D~~))department of ((~~D~~))development and  
317 ((~~E~~))environmental ((~~S~~))services.
- 318 ((~~D~~)) G. "DOH" means the Washington ((~~S~~))state Department of Health.
- 319 H. "FC" means fecal coliform, typically expressed in number of colonies/ml.  
320 ((E. "LOSS" means large on-site sewage system.))
- 321 ((~~F~~)) I. "mg/L" means milligrams per liter.
- 322 J. "NSF" means National Sanitation Foundation International.
- 323 K. "O and G," means oil and grease, a component of sewage typically originating  
324 from foodstuffs, which are animal fats or vegetable oils, or consisting of compounds of  
325 alcohol or glycerol with fatty acids, which are soaps and lotions. The quantity of O and  
326 G is typically expressed in mg/L.
- 327 ((G. "OSS" means on-site sewage system.  
328 H. ">" means greater than.
- 329 I. "<" means less than.
- 330 K. "SAS" means soil absorption system.  
331 L. "SSAS" means subsurface soil absorption system.))
- 332 L. "TN" means total nitrogen, typically expressed in mg/L.
- 333 M. "TSS" means total suspended solids, a measure of all suspended solids in a  
334 liquid, typically expressed in mg/L.

335 N. ">" means greater than.

336 O. "<" means less than.

337 SECTION 8. R&R 3, Part 1 Section 5 (part) and BOH 13.08.030 are each hereby  
338 repealed.

339 SECTION 9. R&R 99-01, Section 2 (part), and BOH 13.08.034 are each hereby  
340 repealed.

341 SECTION 10. R&R 99-01, Section 2 (part), and BOH 13.08.046 are each hereby  
342 repealed.

343 SECTION 11. R&R 99-01, Section 2 (part), and BOH 13.08.048 are each hereby  
344 repealed.

345 NEW SECTION. SECTION 12. There is hereby added a new section to BOH  
346 chapter 13.08 to read as follows:

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

349 SECTION 13. R&R 99-01, Section 2 (part), and BOH 13.08.084 are each hereby  
350 amended to read as follows:

351 "Conforming system" means any on-site sewage system(~~(, except an experimental~~  
352 ~~system,)) meeting any of the following criteria:~~

353 A. Systems in full compliance with new construction requirements under this  
354 title; or

355 B. Systems approved, installed and operating in accordance with requirements of  
356 the previous edition of this title in force when the system was constructed or;



357 C. Systems or repairs permitted through the waiver process of WAC 246-272A-  
358 0420 or this title and ~~((which))~~ that assure public health protection by higher treatment  
359 performance or other methods.

360 SECTION 14. BOH 13.08.086, as amended by this rule, is hereby recodified as a  
361 new section in BOH chapter 13.08.

362 SECTION 15. R&R 99-01, Section 2 (part), and BOH 13.08.086 are each hereby  
363 amended to read as follows:

364 ~~((Conventional g))~~Gravity system. ~~(("Conventional g))~~"Gravity system" means an  
365 on-site sewage system consisting of a septic tank and subsurface soil absorption system  
366 with gravity conveyance and distribution of the effluent and excluding any alternative  
367 system components.

368 SECTION 16. R&R 99-01, Section 2 (part) and, BOH 13.08.088 are each hereby  
369 repealed.

370 SECTION 17. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.090  
371 are each hereby amended to read as follows:

372 "Cover" means soil material that is used to cover a subsurface soil absorption  
373 system area composed predominately of mineral material with no greater than ten percent  
374 organic content. "Cover" material may contain an organic surface layer for establishing a  
375 vegetative landscape to reduce soil erosion.

376 NEW SECTION. SECTION 18. There is hereby added a new section to BOH  
377 chapter 13.08 to read as follows:

378 "Critical aquifer recharge area" means a critical area designated by the county or a  
379 city under the Washington state Growth Management Act, Chapter 36.70A RCW, as  
380 having a critical recharging effect on aquifers used for potable water

381 NEW SECTION. SECTION 19. There is hereby added a new section to BOH  
382 chapter 13.08 to read as follows:

383 "Critical areas" means areas designated as critical areas under the Washington  
384 state Growth Management Act, Chapter 36.70A RCW, including the following areas and  
385 ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable  
386 water, fish and wildlife habitat conservation areas, frequently flooded areas and  
387 geologically hazardous areas.

388 NEW SECTION. SECTION 20. There is hereby added a new section to BOH  
389 chapter 13.08 to read as follows:

390 "Department of Ecology" means the Washington state Department of Ecology.

391 NEW SECTION. SECTION 21. There is hereby added a new section to BOH  
392 chapter 13.08 to read as follows:

393 "Design flow" means the maximum volume of sewage a residence, structure, or  
394 other facility is estimated to generate in a twenty-four-hour period. It incorporates both  
395 an operating capacity and a surge capacity for the system during periodic heavy use  
396 events. The sizing and design of the on-site sewage system components are based on the  
397 design flow. An OSS is not meant to operate continuously at this capacity.

398 SECTION 22. R&R 99-01, Section 2 (part), and BOH 13.08.114 are each hereby  
399 amended to read as follows:

400 "Designer" means a person (~~((approved by the health officer, or an engineer))~~) who  
401 matches site and soil characteristics with appropriate on-site sewage technology and who  
402 holds either an on-site sewage treatment system designers license under chapter 18.210  
403 RCW or is a professional engineer licensed under chapter 18.43 RCW.

404 NEW SECTION. SECTION 23. There is hereby added a new section to BOH  
405 chapter 13.08 to read as follows:

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

408 SECTION 24. R&R 99-01, Section 2 (part), and BOH 13.08.118 are each hereby  
409 repealed.

410 SECTION 25. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.120  
411 are each hereby amended to read as follows:

412 "Dosing systems" means on-site sewage systems using a pump or siphon to  
413 transport, control flow and/or delivery volume of effluent to the final treatment and  
414 ~~((disposal))~~ soil dispersal component.

415 SECTION 26. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.130  
416 are each hereby amended to read as follows:

417 "Drainfield" means a subsurface soil absorption system (~~((consisting of trenches,~~  
418 ~~together with the piping and gravel,))~~ or other soil dispersal component designed and  
419 installed (~~((in original undisturbed soil for the purpose of receiving septic tank or other~~  
420 ~~pre-treated effluent and transmitting it into the soil))~~ to release effluent from a treatment  
421 component into the soil for dispersal, final treatment and recycling.

422            NEW SECTION. SECTION 27. There is hereby added a new section to BOH  
423 chapter 13.08 to read as follows:

424            "Drainrock" means clean washed gravel ranging in size from three-quarters to two  
425 and one half inches, and containing no more than two percent by weight passing a US  
426 No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

427            SECTION 28. R&R 99-01, Section 2 (part), and BOH 13.08.132 are each hereby  
428 amended to read as follows:

429            "Effluent" means liquid discharged from a septic tank or other OSS component  
430 ~~((providing primary treatment. Also see "typical residential effluent"))~~.

431            SECTION 29. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.140  
432 are each hereby amended to read as follows:

433            "Excessively permeable soils" means soils with a soil texture type 1((A)) or other  
434 textures as defined by the United States Department of Agriculture standards and where  
435 conditions are such that the treatment potential is ineffective in retaining ~~((and/))~~or  
436 removing substances of public health significance to underground sources of drinking  
437 water and soils with a percolation rate of one and one-half ~~((1.5))~~ minutes per inch or  
438 ~~((slower))~~ faster.

439            NEW SECTION. SECTION 30. There is hereby added a new section to BOH  
440 chapter 13.08 to read as follows:

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

444            SECTION 31. R&R 3, Part 1 Section 5 (part), and BOH 13.08.150 are each  
445 hereby repealed.

446            NEW SECTION. SECTION 32. There is hereby added a new section to BOH  
447 chapter 13.08 to read as follows:

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

450            SECTION 33. R&R 99-01, Section 2 (part), and BOH 13.08.152 are each hereby  
451 amended to read as follows:

452            "Failure" means a condition of an on-site sewage system or side sewer that  
453 threatens the public health by inadequately treating sewage or by creating a potential for  
454 direct or indirect human contact between sewage and the public. Examples of failure  
455 include:

- 456            A. Sewage, septage or effluent on the surface of the ground;
- 457            B. Sewage, septage or effluent backing up into a structure caused by slow soil  
458 absorption of septic tank effluent;
- 459            C. Sewage, septage or effluent leaking from a septic tank, pump chamber,  
460 holding tank, conveyance or collection system;
- 461            D. Cesspools, seepage pits and pit privies;
- 462            E. Inadequately treated effluent contaminating ground water or surface water;
- 463            and
- 464            F. Failure to meet conditions of a permit.

465            NEW SECTION. SECTION 34. There is hereby added a new section to BOH  
466 chapter 13.08 to read as follows:

467 "Fecal coliform" means bacteria common to the digestive systems of warm-  
468 blooded animals that are cultured in standard tests. Counts of these organisms are  
469 typically used to indicate potential contamination from sewage or to describe a level of  
470 needed disinfection, and are generally expressed as colonies per one hundred milliliters.

471 NEW SECTION. SECTION 35. There is hereby added a new section to BOH  
472 chapter 13.08 to read as follows:

473 "Fee schedule" means the fee schedule in BOH chapter 2.18.

474 SECTION 36. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.170  
475 are each hereby amended to read as follows:

476 "Food(~~-service~~) establishment" means, for the purpose of this title, any  
477 commercial establishment in which food is processed or otherwise prepared, packaged, or  
478 repackaged into another container for consumption or for resale.

479 NEW SECTION. SECTION 37. There is hereby added a new section to BOH  
480 chapter 13.08 to read as follows:

481 "Gravelly" means soil with fifteen percent or more, but less than thirty five  
482 percent rock fragments by volume.

483 SECTION 38. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.180  
484 are each hereby amended to read as follows:

485 "Greywater" means sewage having the consistency and strength of residential  
486 domestic type wastewater. Greywater includes wastewater from sinks, showers,  
487 bathtubs, dishwashers and laundry fixtures, but does not include toilet or urinal waters.

488 SECTION 39. R&R 99-01, Section 2 (part), and BOH 13.08.202 are each hereby  
489 amended to read as follows:

490 "Holding tank sewage system" means an on-site sewage system which  
491 incorporates a ~~((watertight holding tank))~~ sewage tank without a discharge outlet, the  
492 services of a sewage pumper~~((/))~~ or hauler, and the off-site treatment and disposal of the  
493 sewage generated.

494 NEW SECTION. SECTION 40. There is hereby added a new section to BOH  
495 chapter 13.08 to read as follows:

496 "Hydraulic loading rate" means the amount of effluent applied to a given  
497 treatment step, expressed as gallons per square foot per day.

498 NEW SECTION. SECTION 41. There is hereby added a new section to BOH  
499 chapter 13.08 to read as follows:

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

503 SECTION 42. R&R 99-01, Section 2 (part), and BOH 13.08.214 are each hereby  
504 amended to read as follows:

505 "Installer" means a qualified person approved by the health officer to install or  
506 repair on-site sewage systems or components. ~~((See Section 213.08.260, Master  
507 installer, and Section 13.08.050, Associate installer.)))~~

508 SECTION 43. R&R 99-01, Section 2 (part), and BOH 13.08.218 are each hereby  
509 amended to read as follows:

510 "Kitchen or kitchen facility" means an area within a building intended for the  
511 preparation and storage of food and containing(~~(:~~

512 ~~a. An appliance for the refrigeration of food or;~~

513           b. ~~An appliance for the cooking or heating of food; and~~

514           ~~e. A) a sink.~~

515           SECTION 44. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.220

516 are each hereby amended to read as follows:

517           "Large on-site system" (or "LOSS") means any on-site sewage system with design  
518 flows, at any common point, greater than three thousand five hundred ~~((3,500))~~ gallons  
519 per day.

520           NEW SECTION. SECTION 45. There is hereby added a new section to BOH  
521 chapter 13.08 to read as follows:

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

524           NEW SECTION. SECTION 46. There is hereby added a new section to BOH  
525 chapter 13.08 to read as follows:

526           "Marine recovery area" means an area of definite boundaries where, in  
527 accordance with chapter 70.118A RCW, the health officer or the Washington state  
528 Department of Health in consultation with the health officer, determines that additional  
529 requirements for existing on-site sewage disposal systems may be necessary to reduce  
530 potential failing systems or minimize negative impacts of on-site sewage disposal  
531 systems.

532           NEW SECTION. SECTION 47. There is hereby added a new section to BOH  
533 chapter 13.08 to read as follows:

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



536            SECTION 48. R&R 99-01, Section 2 (part), and BOH 13.08.262 are each hereby  
537 repealed.

538            NEW SECTION. SECTION 49. There is hereby added a new section to BOH  
539 chapter 13.08 to read as follows:

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

543            NEW SECTION. SECTION 50. There is hereby added a new section to BOH  
544 chapter 13.08 to read as follows:

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

549            NEW SECTION. SECTION 51. There is hereby added a new section to BOH  
550 chapter 13.08 to read as follows:

551            "Neighboring well" means an existing well on a parcel adjoining or within one-  
552 quarter mile of the boundary line of a separate parcel on which a new well is proposed for  
553 construction.

554            NEW SECTION. SECTION 52. There is hereby added a new section to BOH  
555 chapter 13.08 to read as follows:

556            "Nonconforming" means an on-site sewage system that does not meet applicable  
557 standards for new construction of an on-site sewage system.

558            SECTION 53. R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.280  
559 are each hereby amended to read as follows:

560            "On-site sewage system" (or "OSS") means an integrated ~~((arrangement for~~  
561 ~~premises not connected to a public sewer system which:~~

562            ~~A. Conveys))~~ system of components, located on or nearby the property it serves,  
563 that conveys, stores, treats(, and/)or provides subsurface soil treatment and ((disposal of  
564 residential)) dispersal of sewage ((on the property where it originates; and

565            ~~B. Includes piping, treatment devices, other accessories, and soil underlying the~~  
566 ~~disposal component of the initial and reserve areas. May also be referred to as an on-site~~  
567 ~~system or septic tank system)).~~ It consists of a collection system, a treatment component  
568 or treatment sequence, and a soil dispersal component. An on-site sewage system also  
569 refers to a holding tank sewage system or other system that does not have a soil dispersal  
570 component.

571            SECTION 54. R&R 99-01, Section 2 (part), and BOH 13.08.284 are hereby  
572 amended to read as follows:

573            "On-site system maintainer" ("OSM") means a qualified person approved by  
574 the health officer to conduct performance monitoring inspections of, diagnose causes of  
575 malfunction and failure of, ~~((and/))~~or perform preventive maintenance on and make  
576 limited repairs to on-site sewage systems.

577            NEW SECTION. SECTION 55. There is hereby added a new section to BOH  
578 chapter 13.08 to read as follows: