



Puget Sound Counties Environmental Health Directors On-Site Sewage Systems Local Health Management Plan Meeting

November 8, 2011
9:00 AM- 3:00 PM
DOH Kent Office

Note Taker: Mary Knackstedt
Facilitator: Scott Torpie
Attendees: Andy Brastad, Liz Maier, Jill Wood, Linda Atkins, Larry Faye, Larry Stockton, Keith Grellner, Debbie Riley, Cindy Waite, Gary Porter, Mark Tompkins, Corinne Story, Kevin Plemel, Art Starry, Jerrod Davis, Stuart Glasoe, Lynn Schneider, Mary Knackstedt, Blake Nelson
Guests: Len Adams, Stef Frenzl, Jennifer Johnson; Joan Nolan, Emily Sanford

----- Agenda Topics -----

Puget Sound Action Agenda / NEP Grant Update	Stuart / Mary	20 minutes
Regional Project Brainstorm	Scott / ALL	1 hour 45 minutes
Enforcement Tools	Lynn / Corinne	15 minutes
Social Marketing Project Presentation	Jenn / Stef / Len	40 minutes
Misc. & Wrap Up (Dot Vote)	Scott	10 minutes

NEXT MEETING DATE: WEDNESDAY January 25, 2012 from 10-12; via Conference Call.

Please add the following dates/times to your calendar.

These are the January 2012 - June 2013 Puget Sound Environmental Health Directors On-site Sewage System Local Management Plan quarterly meetings for the consolidated contracts, EPA grant funding, and other related issues.

Wednesday **Conference Calls from 10-Noon:**

January 25, 2012
April 25, 2012
July 25, 2012
October 24, 2012
January 23, 2013
April 24, 2013

Agendas and additional details will be sent prior to each meeting.

----- Agenda Topics -----

Puget Sound Action Agenda

Stuart

The Action Agenda draft will go to the Leadership Council in early December and be released for public review from about December 10 to January 20. Strategies in the Decentralized Wastewater section include large OSS, OSS, and improved funding. The ecosystem recovery targets deal with management of OSS with a focus on 95% inspection compliance in Marine Recovery Areas and other designated sensitive areas and 90% coverage of unsewered marine shorelines. DOH comments stressed that the Action Agenda and other Partnership material need to present a balanced view of the wastewater challenges and impacts to PS from OSS and WWTP including nitrogen contributions.. DOH also commented that The targets are very ambitious, will require considerable resources and the second part of the measure received no input from the implementing agencies prior to adoption. The Action Agenda sets the foundation for the work in Puget Sound. Ideally, the Action Agenda, GMAP and PS performance measures, and EPA funding should be aligned. This includes work toward the target of opening 10,800 acres of shellfish growing areas by 2020, a front line indicator for Puget Sound.

Action items

Person responsible:

Deadline:

NEP Grant Update

Mary

Almost \$8.5 million in grant funds are going to local communities to support OSS management, establishing and supporting pollution identification and correction programs and agricultural best management practices. PIC funds are receiving a great deal of attention from EPA, tribes, and other state agencies because of their potential for cleaning up pollution. DOH plans to announce PIC awards soon.

Action items:

Person responsible:

Deadline:

Regional Project Brainstorm Session

ALL

Scott Torpie facilitated a discussion about regional project ideas that would benefit all LHJs. The ideas were consolidated into ten categories. LHJs and DOH staff voted for the top priorities for existing funds (~\$120,000) and future NEP funds. The table below shows the ideas and results of the vote.

Project Ideas	Current funds	Future funds
Regional funding mechanism	13	6
Regional single source loan program	12	6
Decision making forum - emphasis on Local Integrating Organizations	8	3
Success stories linked to best practices	2	5
Reporting data standardization, consolidation, training, quality improvements	1	6
Create a model program to help communities solve OSS problems	1	4
Establish model for utility style O & M	1	2
Analysis of enforcement issues and enforcement team	0	5
Regionally funded non-regulatory technical assistance	0	0

Comments/ideas from the session:

- Ongoing public education is an essential element for success and can be expensive.
- People go through a recognizable pattern of accepting responsibility for OSS ranging from denial (it's everyone else) to acceptance (ok, what do I need to do, how do I do it and how to pay for it?). An outreach toolkit based on social marketing to help LHJs deal with each stage would be helpful.
- Small Community Initiative program in Department of Commerce may be a useful resource for developing regional programs.
- Critical for local and regional decision makers to understand OSS issues and take ownership over them. The LIOs may be the best local groups to engage since they include decision makers and other

----- Agenda Topics -----

stakeholders that are focused on implementing the Action Agenda.

- O & M inspections help prevent problems and are a good opportunity to educate homeowners. Pollution identification and correction (PIC) programs find and fix failures. Both are needed.
- SB 5815 granting property tax statement authority for O & M services was introduced last legislative session. Needs to be revised and has a good chance of passing in the upcoming session.

Action items:

Person responsible:

Deadline:

Enforcement Tool

Corinne

In 2009 Skagit Health Department began sending homeowners in the Samish watershed a series of 3 letters to obtain compliance with O & M inspection requirements in the MRA. The first letter informs them of the law and reminds them to get an inspection. After the second letter, if homeowners don't respond, a third letter and \$75 fine is issued. Compliance that resulted from letters sent to 457 homeowners with unknown systems was 245 for the first letter, 343 for the second letter and 31 fines issued with the third letter. Only two fines up to \$5000 have been issued and turned over to collections. Initially enforcement has been used to get unknowns inspected, now it is being used for out of date inspections. Corinne said that the enforcement backstop has been very successful. It has been accepted by the public, negative responses have diminished over time. Please see the attachment for details of their process.

Corinne has a personal theory, "People respond in similar patterns to the new O&M requirements:

1. They deny an impact from their OSS
2. They try to divert attention to other sources – birds, coyotes, deer, voles
3. They begin to educate themselves
4. They begin to ask, "What do I have to do and how much will it cost?"
5. Action, including finding ways to pay for inspections and repairs.

The approach to beginning an O&M program in a new community needs to include methods for addressing the various stages of acceptance. It takes time and lots of communication from the county to be successful.

See Handout at the end of these notes for more information.

Action items:

Person responsible:

Deadline:

Social Marketing Project Presentation

Jenn / Stef

Jennifer and Stef each gave PowerPoint presentations on recent social marketing projects to educate and motivate behavior change related to onsite sewage systems. Links to the presentations, a brand manual, outreach resources and a summary report on focus group input which they used to shape their campaign are available on the DOH website: <http://www.doh.wa.gov/ehp/ts/WW/WW-LHJ-Tools.htm>

Action items:

Person responsible:

Deadline:

Laura

MISC

Open

Linda asked if anyone had a process/procedure for auditing O&M specialist. Kitsap shared that they are just starting a program where they will be sending postcards to homeowners asking if they can come out and inspect system that was just inspected in order to see if there are issues being missed or not reported. They let the industry know that this is coming and have already seen improvements in reporting. Pierce shared that they do follow up inspections on all home sales, they do find issues on occasion; there is a fee and the home cannot be occupied until the county gives an all clear.

Action items:

Person responsible:

Deadline:



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**ENFORCEMENT PROTOCOLS FOR OPERATIONS AND MAINTENANCE INSPECTIONS
SKAGIT COUNTY PUBLIC HEALTH
NOVEMBER 8, 2011**

Objective: To ensure all on-site sewage (OSS) owners in Marine Recovery Areas have current operations and maintenance (O/M) inspections on their OSS systems.

Mechanism: A series of letters with escalating enforcement consequences. The final enforcement tool is a \$75 per day fine for lack of an O/M inspection. This fine is less than our \$250 per day fine for not repairing an OSS failure. We did not want to weight lack of an O/M inspection equally to an outright failure.

Reminder letter -- A first reminder letter is sent giving the property owner 90 days to respond. Responses vary from "I'll schedule an inspection" to "I know I have a failure, what do I do?"

Warning letter – If we do not receive a response to the reminder letter, a warning letter with a 30 day response time is mailed giving the property owner 30 days to respond.

Final warning letter – If no response after 30 days, a final letter is sent with a 10 day response time.

Notice of Violation and fine – if there is no response to the final warning letter, a notice of violation and \$75 per day fine is issued. Notices are sent showing the accumulation of the fine every two weeks. If we have no response by the time the fine reaches \$5,000, the matter is sent to collections.

We consistently see nearly a 50% response rate each time we send a letter. Though we have issued dozens of fines, there has been only two where a fine has accumulated to the maximum of \$5,000 allowed by Skagit County Code. That account then gets turned over to collections. We have two or three fines currently accumulating. Failing on-site sewage systems are dealt with promptly.

Results: Excerpts from reports to DOH:

July 2011 –

Thomas Creek SA -- A series of warning and fine letters went to Thomas Creek residents with an on-site sewage system status of 'unknown' or 'pump only.'

- Feb. 15, 2011 - 79 property owners received a second warning letter.
- March 24, 2011 - 31 property owners received a third warning letter.

- April 29, 2011 – 13 property owners received fines.
- As of June 9, only 2 property owners had not contacted us. Their fines are accumulating.

We shortened the time frame for responses for property owners in MRA's where we have completed identification of all on-site sewage systems. For this second time through these MRA's, both the reminder and warning letters had 30 day deadlines, and then the fine is issued after the second notice if no action is taken by the property owner.

Similk Beach MRA –

- March 24, 2011 – 53 properties
- May 11, 2011 – 23 properties received warning letters.
- June 15, 2011 – 7 properties received fines.
- To date, 4 of those 7 have responded.

January 2011 –

TARGETED MARINE RECOVERY AREA	NUMBER UNKNOWN OSS				
	Date	7/1/09	9/30/09	12/31/09	3/31/10
MRA Colony Creek	57	45	18	0	0
MRA Lower Samish River Watershed	120	86	62	8	0
MRA Samish Island	53	8	1	0	0
SA Thomas Creek	41	40	39	47	31
Upper Samish River Watershed	186	164	125	51	0
Total Unknowns	457	343	245	132	31