

On-Site Management Plan Implementation Final Project Progress Report

Performance Period: April 1 – June 30, 2009

Local Health Jurisdiction: Clallam County

Consolidated Contract Number: C14942

Budget Status

Clallam County accountants are still finalizing labor costs and processing remaining bills related to this project. Therefore, the total expenditure for this contract is not available at this time. We anticipate that the \$100,000 budget for this project will be fully expended.

Progress Report

Below is a summary by task of the work completed during the second quarter of 2009, the status of tasks and deliverables at the end of the contract period (September 1, 2007 – June 30, 2009), and proposed next steps.

Task 1. Clallam County's Permit*Plan Database Enhancements

Quarterly Progress Report

During the second quarter we completed our parcel address cleanup process as a primary prerequisite to creating mass SOM (Septic Operation and Maintenance) permit cases. We now have a consistent table relating parcels to addresses, with a much higher level of confidence on most of the addresses, and confidence/source tags on each record to assist with both current use of the information, and future improvement. We also refined the SQL queries that integrated existing information to identify and describe existing systems (known and probable). With these two components in place, we used a contractor-supplied script to create nearly 20,000 new SOM cases. With these cases in place, permit technicians have been able to start entering inspection data, and doing quality control checks on the cases themselves. With the full set of SOM cases, we have found and fixed background SQL scripts that connect Septic Permit information to SOM cases automatically. This data set also enables quick, accurate mapping of current on-site septic system (OSS) information.

We have established connectivity with the OnlineRME (formerly eOnsite) remote server and used it to import their existing site records for Clallam County. We have made corrections to their table, populated most of its records with the new SOM case number, and uploaded all of Clallam County's SOM cases to their property table. Consequently, OSS inspectors no longer need to enter site information when performing an inspection; they can select the site from an existing record and attach their inspection data. This simplifies their work, ensures accuracy and consistency in connecting inspection work to the correct property and its associated data, and allows the data to be automatically integrated with Clallam County's permit system.

We are well on the way to establishing the SQL scripts necessary to automate the downloading of this inspection data, as well as uploading changes into the OnlineRME property table.

Permit staff are currently evaluating the draft matrix of OnlineRME questions/answers as mapped to the summary fields in our permit system. Once these field mapping questions are decided, we can finalize the SQL coding for the import process and begin testing it. Once testing is satisfactory, we will go live with that connection. At that point, technical issues will (hopefully) no longer be the limiting factor for large scale contractor inspection. The next steps will be to find technically feasible ways to automate homeowner inspection reporting (we have begun discussions with OnlineRME), and to establish and automate regulatory procedures that cause the necessary inspections to be performed.

Task Summary

Clallam County Division of Environmental Health and Department of Community Development worked together to improve the County's permitting database so that we can meet our requirements under WAC 262-272A-0015 to "progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction" and to manage records for all these systems including "all operation and maintenance records." By the end of the contract period we accomplished the following:

- Integrated Assessor, GIS, and permit parcel data in an automated process so that relationships are current;
- Assembled data from all three cities and the single county-maintained sewage treatment system to identify parcels as sewer connections or OSS (ongoing – still needs improvement);
- Generated maps of OSS status in the Marine Recovery Area (MRA) and other areas of the County;
- Gained the ability to map OSS by system type, age, and other parameters and created draft maps of OSS information in marine shoreline areas of the MRA;
- Created a SOM case template for housing septic system operation and maintenance information;
- Performed quality control on parcel address data to standardize addresses, and directly linked them to parcel numbers, in order to facilitate mass SOM case creation;
- Researched and resolved OSS permits attached to retired parcels (ongoing);
- Generated a SOM case for each known or assumed OSS in the County;
- Teamed with OnlineRME to develop a system for OSS professionals to report OSS inspection data over the internet;
- Tested the OnlineRME connection and data transfer processes and are almost ready to implement it county-wide;
- Dovetailed work with Jefferson County's efforts as much as possible to save resources now and in the future; and
- In the process of making septic permits and other records web-accessible.

Proposed Next Steps

Clallam County proposes to continue Task 1 efforts in the next biennium through a combination of Centennial Clean Water funds from Ecology and DOH funding for OSS management plan implementation. These efforts will include going live with OnlineRME, developing and testing an electronic reporting system for homeowner inspections, tracking inspection compliance, continuing to improve OSS data as errors are identified and gaps filled, and continuing efforts to make OSS information such as permits, as-

builds, and inspection results accessible to the public over the internet. The County will also continue to map the status of OSS in the MRA on a regular basis to monitor our progress in finding unknown OSS and tracking operation and maintenance activity.

Task 2. Filling Data Gaps – Transforming Hard-Copy Permits into Electronic Records

Quarterly Progress Report

In the second quarter of 2009, we reviewed 1,837 hard-copy files, entered 787 permits into the database (and scanned associated as-built), and scanned an additional 543 as-built for permits that were already in the database. The majority of these records were for properties in the Port Angeles area.

Task Summary

This task has been ongoing since May 2006; funding was initially provided through a Department of Ecology Centennial Clean Water Fund grant. The performance period for Task 2 work funded by DOH was January through June 2009. During the performance period, we reviewed 3,505 parcel files, entered 1,203 permits, and scanned an additional 1,186 as-built for permits that were already in the database. Thus, we met the deliverable to “review, input and scan at least 1,200 OSS records” during the performance period.

Since work began in 2006, Clallam County staff has reviewed 16,725 parcel files, entered 5,177 permits, and scanned an additional 6,328 as-built for permits that were already in the database. The attached map entitled “Septic Permit Records Recovery Project” shows the sections of the County where this parcel research was completed (including all of the developed areas in the MRA) or still in progress at the end of June. Through this work, Clallam County has “found” more than 5,000 OSS of which we had no record in our database and therefore no ability to map or track system status; most of these systems are in the MRA.

Proposed Next Steps

Clallam County proposes to continue this task in the next biennium until all OSS permits are entered into the Permit Plan database.

Task 3. Ground Truth Questionable OSS Permits

Quarterly Progress Report

Clallam County continued to be short-staffed in the second quarter of 2009, with one on-site sanitarian absent on medical leave throughout the quarter. Field work during this quarter focused on site visits to unknown OSS along marine shorelines in the MRA. These are high-priority OSS for which we have no permit or other record in the Permit Plan database (see the report for the MRA Project –Task 2).

Task Summary

Overall, the level of effort put towards Task 3 was lower than anticipated at the start of the project due partially to staff departures and leaves of absence and partially to greater than anticipated effort expended on homeowner education in the MRA (see the report for the MRA Project –Task 3). During the contract period, Clallam County accomplished the following work:

- Contacted designers and landowners whose permits for new or expanded septic systems had expired, requested information about the installation and as-built, and flagged the records in Permit Plan.
- Sent 15 letters to landowners to try to resolve pending septic permits (10 were for OSS inside the MRA). Took action on seven of these pending permits and will need to follow up on the other eight.
- Conducted site visits to investigate expired repair permits to determine if a system was installed and that there was no imminent health threat.
- Investigated high fecal coliform results in Lees Creek through parcel research and field visits to see if the bacterial pollution could be septic related (no failing OSS were identified).
- Developed a protocol for ground-truthing OSS and visiting Septic of Concern properties (see also the report for the MRA Project Task 2 – Field Visits).

Proposed Next Steps

Clallam County proposes to continue ground-truthing OSS in the next biennium. The initial focus will be to gather information about unknown OSS on marine shorelines in the MRA (see report for the MRA Project – Task 2).

Task 4. Reconvene the OSS Work Group

Quarterly Progress Report

The OSS Work Group met twice during the second quarter of 2009: on April 13th and June 8th (meeting summaries attached). The primary purpose of both meetings was to continue discussing potential funding mechanisms to support the County's operation and maintenance program and implementation of the Clallam County OSS Management Plan and for the Work Group to make a final recommendation on their preferred funding mechanism. The Work Group invited the Clallam County Commissioners to attend the meeting in June to join in the discussion. Sound Resolutions prepared a short briefing paper about the potential funding mechanisms for the County Commissioners to review. Commissioner Steve Tharinger attended the June meeting and participated in the discussion. Attendance at the June meeting was low, and therefore a final recommendation was postponed until the next meeting. Work Group members in attendance agreed that the best option for stable funding was establishing an OSS Annual Permit fee under WAC 246-272A-0005; this action would require the approval of the Clallam County Board of Health.

Task Summary

During the contract period (September 1, 2007 – June 30, 2009), the OSS Work Group held six meetings and participated in one educational field trip. Susan Gulick of Sound Resolutions facilitated all of the meetings and documented Work Group recommendations in written meeting summaries (submitted to DOH with the quarterly progress reports and posted on the County's web site). Sound Resolutions and subcontractor Cascadia Consulting Group updated the implementation section of the OSS Management Plan to reflect the County's progress in the first phase of plan implementation. The work plan is a living document the County can use to track progress, set priorities, plan future work, and share with stakeholders such as the OSS Work Group. We are updating the implementation work plan to reflect progress through June of 2009 and will submit the revised document to DOH.

Proposed Next Steps

Clallam County proposes to continue meeting with the OSS Work Group on a quarterly basis or as-needed during the next biennium. The County would like recommendations from the Work Group on policy direction as we implement the next phase of the OSS Management Plan. We would also like the group's input as we develop an OSS inspection training curriculum for homeowners and pursue other homeowner education and outreach tasks under a new Centennial Clean Water Fund Grant. We will also need continued advice and support from the Work Group as we pursue stable funding for the County's operation and maintenance program.

Task 5. Funding Feasibility Study

Quarterly Progress Report

Cascadia Consulting Group completed the final draft funding feasibility assessment in the second quarter of 2009 (attached). The assessment will be finalized and presented to the Board of Commissioners once the OSS Work Group recommends a funding mechanism (hopefully at a meeting this fall). Cascadia also made some final modifications to the spreadsheet model and prepared a user's guide to the model. The model examines six different fee scenarios that could be used to fund activities recommended in the OSS Management Plan.

Task Summary

The funding feasibility assessment, fee model, and user's guide are in final draft form.

Proposed Next Steps

Clallam County proposes to meet again with the OSS Work Group this fall to get a final recommendation on a funding mechanism and to review the different fee scenarios developed by Cascadia. We intend to finalize the funding feasibility assessment and present the findings to the Board of Commissioners during the next biennium.

Task 6. Project Management

Quarterly Progress Report

In this second quarter of 2009, we performed the following project management activities:

- Coordinated OSS Work Group meetings,
- Reviewed and edited the final draft funding feasibility assessment, financing model, and user's guide,
- Updated the implementation work plan,
- Tracked task progress and budgets,
- Updated the project's web site,
- Managed consultants,
- Administered contract, and
- Attended OSS management plan implementation meeting for local health jurisdictions on April 23rd.

Additionally this quarter, staff entered a backlog of 124 OSS inspection reports in areas outside the MRA into the Permit Plan database. This activity is reported here under Project Management, because the work does not fit exactly into the previous tasks.

Task Summary

We submitted quarterly progress reports to DOH in a timely fashion and met project deliverables. Clallam County participated in all OSS management plan implementation calls and face-to-face meetings scheduled with DOH and other local health jurisdictions.

Proposed Next Steps

Clallam County will continue project management activities as needed in the next biennium.

CLALLAM COUNTY ON-SITE SEPTIC WORK GROUP

Monday, April 13, 2009

6:00 - 8:00 p.m.

Board of County Commissioners' meeting room (160)

Clallam County Courthouse

Port Angeles, WA

MEETING SUMMARY

Work Group Members Present:

Mark Bowman, ShoreBank Enterprise Cascadia / Lending Institutions
Andy Brastad, Clallam County Environmental Health
John Cambalik, Puget Sound Partnership
John Cerutti, Acme Septic/OMI / O&M Providers
Virginia Clark, Public Health Advisory Committee
Carol Creasey, Clallam County DCD
Glenn Cutler, City of Port Angeles
Brent Gagnon, West Waste Pumping / West End Citizen Representative
Hansi Hals, Jamestown S'Klallam Tribe
Tom Martin, Clallam County PUD #1
Michael McAleer, Remax Fifth Avenue / Realty Interests
Randall McCoy, Lower Elwha Klallam Tribe
Lynn Schneider, WA State Department of Health
Jean Sigmar, Port Angeles Citizen Representative
Roger Wheeler, RJ Services, Inc. / Septic Installers and Building Professionals

Others Present:

NOTE: This list only includes persons who signed the attendance roster.

Linda Atkins, Jefferson County Public Health
Rick Gibbs, Citizen
Stuart Glasoe, WA State Department of Health
Milton Griffing, Citizen
Susan Gulick, Sound Resolutions (*Work Group Facilitator*)
Glen Irwin, Citizen
Liz Maier, Clallam County Environmental Health

1. County Updates

- ❑ Many of the County's as-built drawings have been scanned and will be available on the County's website in May or June. Scanning is essentially complete for the Marine Recovery Area, and Port Angeles and the West End are in progress.
- ❑ The County is sending letters to landowners on marine shorelines in the Marine Recovery Area where there are no records of OSS. They are

asking landowners to share their records. If there is no response, the County may conduct site visits.

2. Financing Options for Required OSS Programs

- Susan reviewed the original recommendations from the Work Group (from April of 2007) when the Work Group recommended that an assessment should apply to all OSS owners in the County, but not apply to homes or businesses on sewer systems.
- The Work Group determined the fee to homeowners should be in the range of \$10-20 per year (or \$1.00-\$1.50 per month) and collected via the property tax billing and collection process.
- It was also recommended that the fee should be used solely for OSS purposes (and not diverted to the general fund).
- Over the past two years the Work Group, County staff, and consultants have been exploring various financing options that are consistent with the Work Group's recommendations. A recent memorandum by Cascadia Consulting Group provides more information on these options, which Susan reviewed:

1. OSS Management Utility (Chapter 36.94 RCW)

- Establishing an OSS management utility under Chapter 36.94 RCW meets all of the Work Group's criteria. The statute provides clear authority to establish an assessment for OSS management.
- Because this statute was written primarily for the establishment of a sewer utility, there are many cumbersome steps required for counties to establish an OSS Management Utility. These include preparation of a comprehensive sewerage plan, creation of a paid review committee to review the draft sewerage plan, and the requirement that the sewerage plan become a part of the county's comprehensive plan.
- Work Group members expressed concerns about all of the requirements to establish an OSS Management Utility. If this option could be simplified for OSS purposes it would be a viable choice for the County Commissioners to consider.
- The Work Group discussed asking the Washington State Legislature to amend this statute to remove the hurdles that are irrelevant to OSS.
- The Work Group also asked representatives from Washington State Department of Health (DOH) to provide specific guidance on how this statute would be interpreted and what exactly would be required for an OSS Management Utility (e.g. can the existing OSS Management Plan serve as the sewerage plan for a county, or is a new plan required? Can the existing Work Group serve as the review committee or does it need to be expanded to include sewer system operators and other members listed in the statute?). DOH representatives will talk to

colleagues at Department of Ecology about these issues and report back to the group.

- A number of counties (including Clallam) have used this statute to build and operate sewers, but no counties have used it to fund OSS programs.

2. *Aquifer Protection Area (Chapter 36.36 RCW)*

- Establishing an Aquifer Protection Area (APA) is relatively simple. The statute states, "Aquifer protection areas are authorized to impose fees on...onsite sewage disposal". However, APAs may only be created via a public vote.
- Spokane County has established an APA which funds a number of water resource efforts. No county has used this specifically to fund OSS programs.
- Work Group members did not believe establishing an Aquifer Protection Area county-wide would be feasible, particularly because it must be established via a vote.

3. *Shellfish Protection District (Chapter 90.72 RCW)*

- This statute authorizes counties to "establish a shellfish protection district to include areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent." The BOCC may establish fees as part of the Shellfish Protection District.
- The primary question regarding this statute is whether it could be applied county-wide, particularly in areas removed from shellfish harvesting.
- According to DOH, Skagit County has adopted a county-wide Shellfish Protection District and is using it to fund OSS management.
- Other counties have adopted Shellfish Protection Districts (including Clallam) but most are in areas with a direct link to shellfish beds. Not all Shellfish Protection Districts impose a fee.
- The Work Group discussed whether the Shellfish Protection District statute would be appropriate for areas of the County without direct connection to shellfish areas. One Work Group member noted that this would be a hard sell in Forks.
- Andy will ask the Clallam County prosecutor's office to review this statute and advise the County on whether this would be appropriate for a county-wide assessment. Andy will also get clarification on whether there are any impacts to residents within a Shellfish Protection District other than paying a fee.

4. *OSS Annual Permit Fees*

- The Work Group discussed a new idea of establishing an annual OSS operating permit fee to be collected via the property tax billing and collection system. Local health officers are authorized to charge fees to implement the programs required under state law (WAC 246-272A-0005).
 - Thurston County collects a fee for OSS operational certificates.
 - This could be a relatively straightforward option for assessment of an OSS fee. It would require establishing an OSS operating permit, and also would require public education and outreach to explain the reason for the new permit and associated costs.
 - The Work Group would like more information about this option.
 - It was noted that this is a tough time to ask the public to pay an additional fee on septic systems when they are already being hit with the requirement to inspect their systems.
- The Work Group discussed that it would be best if the County could address OSS along with other water protection measures, such as stormwater management. A county-wide water quality fee that funded both stormwater and OSS management efforts would be preferred, as is done in Kitsap County. Because this Work Group was established specifically to address OSS, they will limit their discussions and recommendations to OSS. However, the Work Group will encourage the BOCC to consider consolidating assessments if it is appropriate.
 - The Work Group discussed and discarded the concept of funding the OSS program via a fee at the time of property sale. This would unfairly charge persons buying or selling homes a large amount of money rather than spreading the costs to all OSS users.
 - The Work Group discussed the gap between the legislature imposing requirements on local governments but not providing funding. One statute implies that funding will come from the state, but those funds have not been anywhere close to the amount needed for counties to fully implement the state requirements.
 - The Work Group would also like to hear from the Board of County Commissioners on their criteria for a workable option for OSS funding. Andy will follow up on this request.

3. Public Comment

- A citizen stated that grandfather laws apply and that the County cannot change the requirements on OSS that were installed prior to the passage of these new laws.
- Don't set up any new taxing districts. Taxes are too high already.
- My septic system works fine but I am afraid of new requirements that will require it to be replaced, which will cost over \$20,000.

- The County is not providing adequate training opportunities for inspections, particularly for alternative OSS.
- If the Work Group has concerns or objections to specific funding options they should state them very specifically. Other jurisdictions are using some of these options with success, so describe why they are not appropriate to Clallam County.

4. Upcoming Meetings

- The next Work Group meeting will be scheduled for sometime in June. An agenda will be sent out prior to the meeting to confirm the date and the topics to be discussed.

CLALLAM COUNTY ON-SITE SEPTIC (OSS) WORK GROUP

Monday, June 8, 2009

6:00 - 8:00 p.m.

Board of County Commissioners' meeting room (160)

Clallam County Courthouse

Port Angeles, WA

MEETING SUMMARY

Work Group Members Present:

Andy Brastad, Clallam County Environmental Health
Virginia Clark, Public Health Advisory Committee
Glenn Cutler, City of Port Angeles
Lynn Schneider, WA State Department of Health
Jean Sigmar, Port Angeles Citizen Representative

Others Present:

Susan Gulick, Sound Resolutions (*Work Group Facilitator*)
Liz Maier, Clallam County Environmental Health
Janine Reed, Clallam County Environmental Health
Steve Tharinger, Clallam County Commissioner

5. Financing Options for Required OSS Programs

- ❑ Susan reviewed the financing options being considered by the Work Group to provide funding for County OSS program requirements. The Work Group was reminded that these fees are to fund the County's required activities under state law.
- ❑ Work Group members expressed concern that the OSS Management Utility was too onerous and that it could be futile to ask the legislature to amend the statute.
- ❑ Andy reported that after the prosecuting attorney's review of the Shellfish Protection District statute the County probably cannot support using that statute for a county-wide shellfish protection district. There would need to be a strong link between OSS impacts and shellfish protection throughout the county.
- ❑ The Work Group agreed that the best option was establishing an OSS Annual Permit fee under WAC 246-272A-0005. However, due to low attendance, the Work Group will not make a formal recommendation to the County Board of Commissioners until their next meeting (in the fall of 2009).
- ❑ Commissioner Steve Tharinger stated that he was very pleased with the efforts of the Work Group to date. He likes the broad representation and

appreciates that there is still strong participation by the members. He recognizes that Work Group members have varying opinions and appreciates that they find common ground and reach consensus on difficult recommendations. The Board of County Commissioners takes the recommendations of the Work Group very seriously.

- Commissioner Tharinger agreed that the annual permit fee is probably the best option, but noted that he is concerned about additional costs to the public. It is a difficult issue. He believes the Clallam County Board of Health is the appropriate entity to make this decision because public health protection is the key purpose of OSS management strategies.
- The Work Group noted that the County should consider a better name for the fee. Suggestions included OSS Annual Registration fee, OSS Management fee, or OSS Operating Certificate.
- Susan reminded the Work Group that the financial model examines multiple assessment scenarios: a flat fee for all OSS owners, a graduated fee where single family OSS owners pay less than multi-family or commercial OSS owners, etc.
- Steve Tharinger noted that a flat fee is much easier to administer.
- The Work Group will examine these scenarios in more detail at the next meeting and make a recommendation.

6. Financial Incentives

- The Work Group discussed potential incentives for homeowners to submit inspection reports. One option is to have either a lower fee or a rebate for OSS owners who have submitted their required inspection reports.
- It is important that this be set up in a manner that is easy to administer.
- The Work Group had questions about how the fee would be collected via the property tax assessment. Clallam County staff will ask the County Assessor's office for more information regarding how much time it would take to set up a new fee, and whether it would be feasible to charge a lower fee to those who have submitted their inspection reports.

7. Assistance to Low Income OSS Owners

- The Work Group discussed its original recommendation that part of the fee be allocated to assist low-income OSS owners with inspection fees or low-interest loans for OSS repairs and replacements.
- Work Group members stated that they would like more information on the number of low-income OSS owners in the County, as well as information on other government assistance programs to low-income homeowners.
- Andy and Commissioner Tharinger voiced concerns about the challenges of implementing assistance programs; the County does not want to become a lender of low-interest loans.

- All agreed that it would be preferable for ShoreBank to expand its OSS program to Clallam County but it will likely be a few years before the legislature funds this.
- Clallam County staff will examine options for assistance to low-income OSS owners and report back to the Work Group at a future meeting.

8. County Updates

- The County is hosting a workshop for Marine Recovery Area residents on June 11th that will inform residents about the new requirements for OSS owners in the MRA.
- The County has scheduled two more OSS inspection trainings for homeowners (June 13 and June 27); these are targeting owners of pressurized OSS. Both classes are now full. To be added to a waiting list for future trainings, homeowners may contact Adar Feller in the Clallam County Environmental Health Division at afeller@co.clallam.wa.us or 360-417-2408. Please provide Adar with your contact information, mailing address, physical address of the septic system you plan to inspect, and what type of system it is.
- The State Dept. of Health has additional grant funds for local OSS implementation efforts. The County plans to use some of these funds to continue the Work Group. The Work Group will likely meet quarterly over the next year. Work Group members should let Andy or Liz know if they have any concerns or input on this.
- The County will begin a selection process to hire a consultant to prepare an education curriculum to train homeowners on how to do OSS inspections. Work Group members should contact Andy if they are interested in serving on the selection team to review proposals and interview consultants.

9. Upcoming Meetings

- The next Work Group meeting will be held in the fall of 2009, probably September or October. A "save the date" notice will be sent to Work Group members when the date is finalized.

Funding the Clallam County On-Site Septic System Management Plan

DRAFT

**A report from the
Clallam County Environmental Health Division**

Health and Human Services Department

to the Clallam County Board of Commissioners

DRAFT – June 25, 2009

Cascadia Consulting Group, Inc. and

Sound Resolutions

Funding the Clallam County On-Site Septic System Management Plan

DRAFT – June 25, 2009

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Executive Summary

This memorandum explores options for funding Clallam County's expanded on-site septic system (OSS) management program. Recent changes in state statutes and rules have required a number of new OSS management efforts from local health departments; however no dedicated source of funding has been identified for these programs. Clallam County's stakeholder work group recommended the County fund these programs through a countywide assessment on all properties with OSS. This memo analyzes a number of state laws which allow counties to assess fees for OSS management. The most feasible option appears to be for the County to use its authority under Chapter 246-272A WAC to require OSS operating permits, with associated fees, for all OSS owners in the County.

Background

Homes, businesses, and institutions in many rural parts of Washington use OSS to treat human waste. OSS treat small amounts of waste on-site, in contrast to sewer systems which collect waste from multiple locations and treat it at a central location. An OSS is an effective technology to manage human waste if it is properly designed, installed, and maintained. OSS that are not functioning properly, however, have the potential to contaminate streams, nearshore shellfish growing areas, and groundwater with pathogens and excess nutrients, resulting in increased risks to public health and the environment.

Concerns about the public health risks and water quality impacts of poorly-managed OSS led the Washington State Board of Health to adopt Chapter 246-272A WAC in 2005, which requires local health departments to develop plans for the management of OSS within their jurisdictions. In 2006, the Washington Legislature enacted Chapter 70.118A RCW, which requires local health jurisdictions that border Puget Sound (including Clallam County) to identify Marine Recovery Areas (MRA) where OSS contribute to marine water quality problems, and to develop management strategies to find and repair all failing OSS within the MRA.

The statutory changes also require local health departments to address records retention, records clearinghouse capacity, and database management and to identify all unknown OSS within their jurisdictions, among other tasks. These kinds of activities are not typically funded through septic permit fees, the general source of revenue for environmental health departments' OSS-related work. The State Board of Health and the Legislature did not provide a stable funding mechanism for the work needed to address these additional requirements. Therefore, to implement these important and required actions, Clallam County needs to identify a source of dedicated, long-term funding.

Purpose

Clallam County needs to develop and implement OSS management programs to meet the requirements of the new State Board of Health code and MRA law. Clallam County's stakeholder work group recommended that the County fund these programs through a countywide assessment on all properties with OSS. Cascadia Consulting Group (Cascadia) researched options for implementing this recommendation; findings are presented in this memo.

The Clallam County OSS Work Group convened in 2006 to help the County develop its OSS management plan as well as a funding strategy to support the plan's implementation. The OSS Work Group provided some specific recommendations regarding how such an assessment should be established, but it did not identify a specific mechanism. Thus Cascadia researched and evaluated a number of state statutes which could provide the legal structures for assessing a county-wide fee. This memo summarizes the laws reviewed, provides examples of jurisdictions which are applying these authorities, and describes in further detail specific authorities which appear most promising for raising funds for OSS management. This memo is intended to provide initial information for the Clallam County Board of Commissioners. A more thorough legal review would likely be necessary before proceeding with any one of these options.

Cascadia is also developing a model of several different assessment scenarios, which the County could use in the future were the Board of Commissioners to decide to employ one of these assessment authorities. That model will be discussed in a subsequent memo.

Work Group Recommendations

To comply with the State Board of Health's rules and new MRA law, Clallam County Environmental Health Division elected to develop the *Clallam County On-Site Septic System Management Plan* in collaboration with a stakeholder work group composed of people who live and work in Clallam County, and ex-officio members from outside the county. The OSS Work Group began meeting in October 2006 and provided recommendations to the County on how to implement the new state requirements for regular OSS inspections, creation of an MRA, compliance activities, and other mandates. These recommendations are the foundation of the *OSS Management Plan*. The Work Group also made recommendations about the need for stable funding to meet these requirements.

Clallam County Environmental Health Division currently runs a number of programs to manage OSS, including permitting new systems, investigating septic complaints, and educating the public through grant-funded activities such as Septics 101 classes. The *OSS Management Plan* recommends a number of activities which would build on these programs. The Work Group agreed that Clallam County needs stable, ongoing funding to be able to follow the plan and meet the requirements of the state septic system code and MRA law. Funding is needed for the following tasks, among others:

- Provide ongoing notification to OSS owners of their responsibilities to maintain their systems.
- Provide ongoing education for OSS owners about how to operate and maintain their systems.
- Develop and maintain a database of all records and activities for all known OSS.
- Identify all OSS within the MRA by 2012.
- Identify all failing OSS in the MRA and ensure that repairs are made.
- Ensure compliance with inspection requirements.
- Track effectiveness through surface and ground water monitoring.

The Work Group thought that funding should also be provided for financial assistance to low-income OSS owners to offset increased inspection costs, low-interest loans for OSS owners to pay for OSS repair and replacement, and financial incentives to increase compliance with new inspection requirements. The Work Group thought these types of assistance should be balanced with the need to keep the fee as low as possible.

The Work Group also provided recommendations for how the funds should be raised. The Work Group recommended using a county-wide fee on all properties with OSS. The Work Group thought the fee should be levied only on owners of properties using OSS (e.g., not those on sewer systems) and funds collected should be used only for the OSS

program (e.g., not for general County revenue). The Work Group expected the fee to be in the range of \$10-\$20 per year (or up to \$1.50 per month) per parcel, and suggested that the fee be collected with the property tax, for billing ease.

The Work Group's recommendations for how the County should fulfill the requirements of Chapter 246-272A WAC and Chapter 70.118A RCW were incorporated into the *OSS Management Plan*, and the Clallam County Board of Health approved the plan at a public hearing on June 19, 2007. Subsequently, many of the Work Group's recommendations were incorporated in Clallam County's On-Site Sewage Code (Chapter 41.20 CCC); the Board of Health adopted the code revision on August 19, 2008. However, the Work Group's recommendations for a funding mechanism are not included in the code and would require action by the Clallam County Board of Commissioners.

The Work Group continues to meet to advise Clallam County in the implementation of the *OSS Management Plan*. Appendix A contains a list of entities represented on the Work Group, followed by recommendations made by the Work Group in 2007.

Potential Assessment Authorities

In consultation with the Work Group, Cascadia reviewed a number of potential legal mechanisms for assessing a fee to fund OSS activities in Clallam County. These include:

- An OSS management utility under either the Sewerage, Water, and Drainage Systems statute (Chapter 36.94 RCW) or the Stormwater Control Facilities statute (Chapter 36.89 RCW).
- An Aquifer Protection Area under Chapter 36.36 RCW.
- A Shellfish Protection or Clean Water District under Chapter 90.72 RCW.
- A special assessment through the Clallam County Conservation District under Chapter 89.08 RCW.
- An OSS operating permit requirement under Chapter 246-272A WAC.

These options are briefly summarized in the following table.

Table 1. Summary of Potential Assessment Authorities

Mechanism & Legislation	Relevant Purpose of Legislation	Authorized Relevant Uses of Funds	Current Examples	How to Establish	Notes
Sewerage, Water, and Drainage Systems (Chapter 36.94 RCW)	Construct, operate, & maintain a system of sewerage and/or water.	Operate, maintain, & monitor systems for sewage treatment.	Several counties (e.g., Clallam) use for sewers; no counties known to use it for OSS purposes	Board of Commissioners	Broad authority, requires utility plan to be developed and adopted, specific standards for pump-out requirement.
Stormwater Control Facilities (Chapter 36.89)	Acquire, develop, construct, & improve stormwater	Maintain, operate, or improve stormwater control facilities, including facilities for	Kitsap County, Clark County, Skagit County	Board of Commissioners	Uncertainty concerning whether this could be used strictly for OSS purposes.

RCW)	control facilities.	waste water.			
Aquifer Protection Areas (Chapter 36.36 RCW)	Protect, preserve, & rehabilitate groundwater & drinking water sources.	Planning, facilities, monitoring, septic inspections, enforcement, & public education.	Spokane County	Public vote	Can establish fee for OSS disposal on a per-household basis.
Shellfish Protection Districts (Chapter 90.72 RCW)	Address nonpoint pollution (e.g., from OSS) that threatens shellfish beds, in areas dependent on shellfish farming or harvesting.	“Any elements deemed appropriate to deal with the nonpoint pollution,” including activities for inspecting & repairing OSS.	Skagit Clean Water District, Sequim-Dungeness Clean Water District (currently no fee)	Board of Commissioners (or public vote).	Broad authority for addressing nonpoint water pollution. Could expand existing Sequim-Dungeness Clean Water District & begin using assessment authority.
Conservation District Special Assessment (Chapter 89.08 RCW)	Conserve natural resources, including soil and water.	Educational & demonstration projects, programs that encourage proper OSS operations and maintenance.	Numerous counties	Petition signed by 20% of voters (Clallam already has a district)	Limited to ten years in duration & \$5 per parcel. Cannot differentiate parcels based on relative contribution to impact.
Operating permits (Chapter 246-272A WAC)	Protect public health by minimizing impacts from OSS	“Authorizes local health officers to charge fees for the administration of this chapter”	Thurston County collects a fee for OSS operational certificates	Board of Health (see RCW 70.05.055)	Straightforward authority, minimal administrative requirements, no geographic boundaries.

These options were presented to the OSS Work Group. The Work Group decided not to consider Stormwater Control Facilities (Chapter RCW 36.89) because it is designed for stormwater control and may not be applicable strictly for OSS purposes, or the Conservation District Special Assessment (Chapter 89.08 RCW) which was thought to have limited potential for raising the funds needed for OSS programs due to the \$5 per parcel cap.

Each of the remaining options is discussed below in further detail.

OSS Management Utility (Chapter 36.94 RCW)

Implementing an OSS management utility under Chapter 36.94 RCW could be a significant undertaking. Further analysis of the legal options and how to establish an OSS management utility under Chapter 36.94 RCW may be found in a recent guide from Mason County, *On-Site Septic System Management Utility Handbook*.

Sewerage General Plan Development and Approval

Under Chapter 36.94 RCW, the County would need to first develop a sewerage general plan which addressed the following:

- General location and description of treatment and disposal facilities.

- A description of on-site sanitary sewerage system inspection services and maintenance services.
- Other facilities and services as may be required to provide a functional and implementable plan, including preliminary engineering in adequate detail to assure technical feasibility (RCW 36.94.010).

The plan would also need to incorporate any relevant sewerage provisions of existing comprehensive plans (RCW 36.94.040). Clallam County Environmental Health Division expects that developing this plan would entail a lengthy process, comparable to that required for the *OSS Management Plan*.

Next, the County would need to form a committee to review the sewerage plan, with representatives from each of the following:

- Each city with a population of 10,000 or more within the designated area.
- All smaller cities and towns in the area, combined (one at-large representative).
- Each municipal corporation and private utility serving 1,000 or more sewer and/or water customers in the area.
- All other municipal corporations in the area, combined (one at-large representative).
- Each county legislative authority within the area.
- Any metropolitan municipal corporation operating a sewerage and/or water system within the area (RCW 36.94.050).

The County would need to compensate this committee from the County's expense fund at the rate of \$25 per day spent on committee work, including reviewing the proposed plan (RCW 36.94.060). The committee would need to report within 90 days to the Board of Commissioners "their approval or any suggested amendments, deletions, or additions" (RCW 36.94.070).

The Board of Commissioners would then decide whether to adopt, amend, or reject the plan (RCW 36.94.090). This adoption process would require one or more public hearings and could be lengthy. If the Board adopted the plan, the County would then need to conduct a State Environmental Policy Act (SEPA) review. The plan would then require approval from the Washington Departments of Health and Ecology (RCW 36.94.100).

Finally, the plan would need to be adopted as an element of the Clallam County Comprehensive Plan and made consistent with the County's Capitol Facilities Plan (RCW 36.94.030). These final steps require a potentially lengthy public process. In total, the plan development and approval process would likely cost at least \$40,000 to \$60,000 and take 1 to 2 years, depending on available funding.

Formation of the Utility District

Once the sewerage general plan is completed and adopted, formation of the OSS management utility district would require either resolution of the Board of Commissioners or a petition signed by the owners of at least 51% of the land area within the limits of the proposed district (RCW 36.94.230). In both cases the County would need to provide public notice and hold a public hearing for all residences with

OSS within the area to be served (RCW 36.94.230). That public notice “must provide information on estimated rates or charges that may be imposed for the service” (RCW 36.94.020).

The County would also need to work directly with municipalities that would lie within the district, as the district “may include territory within a city or town only with the written consent of the city or town” (RCW 36.94.170, RCW 36.94.220).

Following the public hearing, “if the county legislative authority finds that the district should be formed, it shall by resolution order the improvement, adopt detailed plans of the local district and declare the estimated cost thereof” (RCW 36.94.240). Depending on staff capacity and the extent of the public process, the formation of the district would likely take 6 to 12 months to complete.

The Board of Commissioners would then need to establish a department in Clallam County government to establish, operate, and maintain the OSS management utility (RCW 36.94.120). The Board of Commissioners would also need to determine the appropriate mode of the fee, considering the relative impacts from and benefits to different types of OSS owners.¹

If an OSS management utility was established under the authority of RCW 36.94, requirements for pumping septic tanks would need to be based on “actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner.” These individuals would need to be trained in a program approved by the state board of health or by a local health officer (RCW 36.94.020).

Feasibility

Using Chapter 36.94 RCW to create an OSS management utility in Clallam County would likely be a costly and time-consuming process. This statute was written primarily for the creation of sewer systems and could be overly burdensome when applied to OSS. For example, specific requirements for the sewerage plan, such as the preliminary engineering work, do not appear applicable to the County's OSS management efforts. The requirement for a committee to review the sewerage plan would duplicate the ongoing efforts of the OSS Work Group, and the compensation requirement would increase costs.

The legislature could amend chapter 36.94 RCW to more appropriately support the formation of OSS management utilities and financing of local OSS programs. While the statute was amended in 1997 to support the creation of OSS management utilities, no jurisdiction appears to have used this authority for that purpose. Recommendations for changes include:

- Counties could be allowed to use existing OSS management plans developed and adopted in compliance with Chapter 246-272A WAC, instead of developing a new utility plan with requirements not necessarily applicable to OSS.

¹ Cascadia is developing a model of several different assessment scenarios which the Board of Commissioners and the Environmental Health Division could use in the future to determine appropriate assessment structures.

- Counties could be allowed to develop an assessment structure working with existing work groups, without needing to establish a paid committee, as currently required under Chapter 36.94 RCW.

Aquifer Protection Area (Chapter 36.36 RCW)

Under Chapter 36.36 RCW, county legislative authorities may create Aquifer Protection Areas “for the purpose of funding the protection, preservation, and rehabilitation of subterranean water” (RCW 36.36.020), to address pollution as well as depletion of aquifers (RCW 36.36.010). Scientific links have been established between failing OSS and impaired groundwater quality, as well as between impaired groundwater quality and impacts to surface water quality.

Were Clallam County to decide to establish an Aquifer Protection Area under Chapter 36.36 RCW, the County would first need to conduct a public hearing, with notice published in a newspaper of general circulation within the proposed area. Following this hearing, the question would need to be put to the voters. Similar to the requirements under Chapter 36.94 RCW, an Aquifer Protection Area “may not include territory located within a city or town without the approval of the city or town governing body” (RCW 36.36.020). No other geographic boundaries are specified.

Once the Aquifer Protection Area was established, a regular fee could be imposed on OSS disposal within the area, on a per-household basis (RCW 36.36.030). Funds raised through a fee could be used to fund activities relevant to those in the *OSS Management Plan*, specifically “(4) The costs of monitoring and inspecting on-site sewage disposal systems...for compliance with applicable standards and rules, and for enforcing compliance with these applicable standards and rules...(5) The costs of...(d) public education relating to protecting, preserving, and enhancing subterranean waters” (RCW 36.36.040). The County may reduce the fee for lower-income residents (RCW 36.36.030), which would fit in with the Work Group’s recommendations regarding financial assistance.

Feasibility

The Aquifer Protection Area statute provides a good mechanism for an OSS fee. This approach was initially given low priority because the Work Group was concerned there would be insufficient public support for an OSS fee when the approval process went to a public vote, as required. However, given the hurdles associated with other options this may need to be reconsidered.

If this option were pursued, consideration should be given to geographic differences in groundwater quality, since aquifer protection is the focus. Monitoring data indicate regional-scale degradation of groundwater quality in eastern Clallam County (i.e., east of Port Angeles) whereas data from central and western portions of Clallam County indicate relatively localized impairment.

Shellfish Protection District (Chapter 90.72 RCW)

Dungeness Bay, a traditional shellfish growing and harvesting area, has experienced increases in fecal coliform bacteria, with subsequent downgrading of some shellfish beds from *Approved* to *Prohibited* in 2000 and 2001. In 2001 the County used Chapter 90.72 RCW to establish the Sequim Bay-Dungeness Watershed Clean Water District in the area, in order to restore and protect water quality for shellfish harvest and other beneficial uses. When a shellfish downgrade occurs, counties are required to establish shellfish protection districts and programs in “areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent” (RCW 90.72.030). Shellfish protection districts may be established without a taxing mechanism to fund the required programs, as is the case with the Sequim-Dungeness Clean Water District.

Clallam County Environmental Health Division is working with local partners and state agencies to address nonpoint source pollution in the district and is leading efforts to address pollution from OSS through “Septics of Concern” visits, Septics 101 workshops, and other activities outlined in the *OSS Management Plan*. However, to date, the County has not employed the assessment authority it retains under RCW 90.72.030 to fund “any elements deemed appropriate to deal with the nonpoint pollution threatening water quality.”

The Clallam County Board of Commissioners could decide to use this authority to raise funds for OSS management activities within the Clean Water District. The district has similar but not identical boundaries to the MRA, the OSS management area the Clallam County Board of Health established under the authority of RCW 70.118A². The *OSS Management Plan* contains a strategy to improve OSS management in the MRA. However, RCW 70.118A does not enable fees for funding the MRA strategy. Therefore, the County could consider amending the Clallam County Code (CCC 27.16.140) to expand the boundaries of the Clean Water District slightly to match those of the MRA, so that a fee on the Clean Water District could be used to finance the implementation of the MRA strategy. The amendment would need to describe the specific geographic and public health characteristics which justify the boundary delineation, and the County would need to take into consideration any existing agreements related to the district, such as memorandums of understanding with other jurisdictions.

Another option would be for the Board of Commissioners to create a new countywide shellfish protection district. However, there would need to be a reasonable link between the countywide boundaries and the need to protect shellfish farming and harvesting from nonpoint source water pollution.

Feasibility

The assessment authority under Chapter 90.72 RCW is limited to the protection of shellfish beds, and would only extend to the boundaries of the Clean Water District, which currently encompasses Sequim Bay and the Dungeness watershed. The Environmental Health Division could only use funds raised for OSS activities within the

² The MRA extends farther east than the Clean Water District and includes Diamond Point.

Clean Water District, and would still be without funds for important OSS programs and activities in other parts of the County. This limited geographic scope is why this approach was initially given low priority.

Annual Operating Permit (Chapter 246-272 WAC and RCW 70.05.060(7))

Clallam County could establish an annual OSS permit fee to be collected via the property tax billing and collection system, under Chapter 246-272A WAC. The Clallam County Board of Health is authorized to charge fees to implement the programs required under state law (WAC 246-272A-0005 and RCW 75.05.060(7)).

Thurston County uses this authority to collect a fee for OSS operational certificates. In the Henderson Watershed Protection Area, a fee is collected annually from all OSS owners via property tax billings. In other parts of the County, a fee is limited to certain types of OSS and is collected via a billing system. These operational permits are generally renewed every 3 years, although some types of systems require annual renewals.

Feasibility

This could be a relatively straightforward option for assessment of an OSS fee. It would require establishing an annual OSS operating permit or certificate. Collection would be combined with property tax collection, which would minimize the administrative burden. This option would also involve public education and outreach to explain the reason for the new permit and associated costs.

Regional Assessment (State action needed)

The state could impose a regional assessment, the proceeds of which would be directed to local health jurisdictions. This would help to ensure that adequate funding is available to undertake new OSS management activities. The state may be able to pass such an assessment far more quickly than each jurisdiction could on its own, thereby facilitating the timely implementation of OSS management activities as required by statute.

Conclusions

A long-term, dedicated funding source is necessary for the County to fully implement the new OSS management programs that are required by recent changes to state laws and rules. Given that it appears unlikely that the state will establish a regional assessment, the County is focusing on local assessment authorities.

There are numerous options for Clallam County to fund their required OSS program. If the County wishes to establish the program county-wide, as recommended by the Work Group, the County could consider establishing an OSS Management Utility or an Aquifer Protection Area. If the County decides to limit the program to a geographic portion of the County, it could consider assessing a fee as part of the Clean Water District in the Marine Recovery Area.

However, the most viable option is likely for the County to require operating permits with associated fees for all OSS owners, under Chapter 246-272A WAC, and to collect the fees through the property tax. This would be a relatively straightforward approach with clear authority, limited administrative requirements, and no geographical boundary issues within the County.

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Appendix A: Work Group Entities and Recommendations

Work Group Entities

Work Group members represent the following affiliations:

- Acme Septic/OMI/O&M providers
- Arrow Septic Tank Builders/pumpers
- City of Forks
- City of Port Angeles
- Clallam Conservation District
- Clallam County Environmental Health Services
- Clallam County PUD#1/septic system management entities
- First Federal Savings & Loan Association/lending institutions
- Onsite Services
- Jamestown S' Klallam Tribe
- Lower Elwha Klallam Tribe
- Olympic National Park
- Port Angeles Citizen Representative
- Public Health Advisory Committee/public health interests
- Puget Sound Action Team
- Quileute Tribe
- R.J. Services, Inc./installers and building professionals
- Remax Fifth Avenue/realty interests
- Roto Rooter/septic pumpers
- Sequim Citizen Representative
- Shorebank Enterprise Cascadia/lending institutions
- Soils Application, Inc./designers
- Washington State Department of Ecology
- Washington State Department of Health
- West Waste Pumping, Inc./West End citizen representative

Work Group Recommendations

The Work Group recommended that the County take the following actions to fulfill the requirements of Chapter 246-272A WAC and RCW 70.118A.

OSS Inspections

- The Work Group believed the frequency of the state's OSS inspection requirements is adequate: conventional gravity systems must be inspected at least once every three years, and all other systems must be inspected at least once every year. The Work Group did not recommend more frequent inspection requirements.
- For conventional gravity systems (which are required by state law to be inspected every 3 years), OSS owners who have received County-approved training may inspect their own systems.
- For pump systems (which are required by state law to be inspected annually) OSS owners who have received County-approved training may inspect their own systems (unless the manufacturer requires more frequent inspections and/or requires a certified inspector).
- The County should coordinate with the Washington On-Site Sewage Association (WOSSA) to develop the training for OSS owners. The County should pursue grants to offset some of the owners' costs for the trainings. Separate training should be offered for owners of conventional gravity systems and pump systems. All trainings should include:
 - Hands-on training (as opposed to classroom or video instruction only);

- A certification process to denote who has successfully completed the course and when the certification must be updated through a refresher course.
- For any properties that do not have an as-built diagram for their property, a professional inspection will be required before the owner can begin conducting their own inspections.
- For community and commercial OSS, annual professional inspections should be required.
 - If owners of community or commercial systems can demonstrate that their waste production is comparable to typical single-family residential volumes and strength, and if the owners have received County-approved training, they may inspect their own systems.
 - Any fee or assessment for these systems would need to be based on volume and/or strength of waste so that it is comparable to the assessments or fees paid by homeowners (see financing recommendations below).

Marine Recovery Areas

- One MRA should be designated, with the same boundaries as the existing Clean Water District.
- OSS owners within the Marine Recovery Area should be required to get a professional inspection as the first inspection required under the new OSS plan. After this initial professional inspection, OSS owners who have received County-approved training may inspect their own systems.
- Clallam County should review its siting and design requirements for OSS in the MRA and revise them if necessary to address the specific environmental concerns in the MRA.
- The MRA should be a high priority for water quality monitoring to assist the County in early identification of failing OSS.

Areas Where OSS May Pose an Increased Threat to Public Health

- The following areas should be listed as sensitive areas in the OSS Management Plan:
 - Lake Sutherland (and its drainages)
 - Lake Pleasant
 - Lake Crescent
 - Lake Ozette
 - The Carlsborg area
 - Frequently Flooded Areas
 - Commercial and Recreational Shellfish Growing Areas
- Clallam County should review its siting and design requirements for OSS in sensitive areas and revise them if necessary to address the specific environmental concerns in each sensitive area.
- Sensitive areas should be high priorities for water quality monitoring to assist the County in early identification of failing OSS.
- The plan should be flexible enough to allow the County to identify new sensitive areas if data show that OSS are posing increased public health risks. The County should track all water quality monitoring data collected in the County, including Streamkeepers and Surfriders water quality monitoring data.

Compliance

- The County's compliance program should include five basic elements:
 1. A strong education program that informs OSS owners of the new requirements and the benefits of maintaining and inspecting their OSS.

2. Incentives to encourage OSS owners to inspect their systems and supply the required reports to the County. The County should consider fee-based incentives (e.g. lower fees or assessments for those who submit required reports and higher fees or assessments for those who do not). Financial assistance should also be provided to low-income OSS owners.
 3. Simple reporting requirements. Required forms should be easy to complete and return to the County.
 4. Risk-based prioritization for compliance actions. Clallam County EHS should prioritize its efforts based on risk to public health and the environment. Thus, the County's highest priorities should be systems that are on shorelines, OSS near wells that could contaminate drinking water, etc.
 5. Penalties as a last resort to achieve compliance. Penalties should only be issued after warnings have been given and after education, incentives and other compliance actions have failed.
- The County should require proof of compliance when County permits are issued, including:
 - Building Permits,
 - Land Division (e.g. short plats, long plats, conditional use permits, site plans),
 - Variances to Critical Areas Ordinance or Certificate of Compliance to Critical Areas Ordinance,
 - Shoreline Permits,
 - Food Establishment Permits (new or renewal), and
 - Certificate of Occupancy for commercial building permits.
 - The County should require a seller to submit proof of a successful professional OSS inspection prior to the transfer or sale of property.

Financing

- The County should be funded to do the following tasks, in accordance with the new state law:
 - Developing and maintaining a database of records for all known OSS in the County;
 - Ensuring compliance with state inspection and repair requirements;
 - Providing ongoing education for OSS owners regarding proper OSS operation and maintenance;
 - Identifying areas where OSS could pose an increased public health risk, and developing risk-based operations and maintenance (O&M) requirements;
 - Designating a Marine Recovery Area (MRA) in land areas where OSS contribute to marine water quality problems, and developing a strategy for OSS management in the MRA;
 - Identifying existing failing systems in an MRA, and ensuring that the owner completes the necessary repairs; and
 - Identifying all unknown OSS within an MRA by 2012.
- Funding should also be provided for:
 - Financial assistance to low-income OSS owners to offset increased inspection costs;
 - Low-interest loans for OSS owners to pay for OSS repair and replacement;
 - Financial incentives to increase compliance with new inspection requirements. However, funding devoted to incentives needs to balance the need to keep the fee or assessment as low as possible.
- A fee or assessment should be collected via the property tax billing and collection process. All fees collected should be designated exclusively for implementation of the OSS plan; no funds should be diverted to the County's general fund.
- The fee should be assessed to all OSS in the County, but not to those on sewer systems.
- The fee should be in the range of \$10-20 per year (\$1.00 to \$1.50 per month).

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The County decided that it did not make sense to pursue identification of SOCs along rivers, creeks, and tributaries and in areas of high nitrates in groundwater during the contract period. One reason for postponing this work and focusing on other activities, such as reaching out to shoreline landowners and improving the MRA data in Permit Plan, was that the GIS stream layer for the County turned out to have many inaccuracies. This layer has since been updated and improved. We may choose to continue this work at a later date or may use a different prioritization system, such as finding unknown OSS (as we are required to do under RCW 70.118A) or focusing on a target area with water quality problems possibly indicating failing OSS.

The County also produced baseline maps showing the sewage disposal status of developed parcels in the east end of the County and in the Port Angeles area. We submitted these maps to DOH in July 2008. Producing these maps would not have been possible without the database and GIS enhancement work supported by this funding and the OSS Management Plan Implementation funds. The County also produced a map of known and unknown OSS in the MRA and submitted it to DOH in November 2008. A current revision of this map entitled "MRA Septic System Status" is attached to this report. It will serve as a baseline map for tracking progress in finding unknown OSS and determining system status in the next biennium.

Proposed Next Steps

Further identification and mapping of SOCs in the MRA depends upon future funding. The County proposes to continue gathering information about unknown OSS along the marine shoreline of the MRA in the next biennium using DOH funds for OSS management plan implementation (see the report for Task 2 below). The County will also continue to map the status of OSS in the MRA on a regular basis to monitor our progress in finding unknown OSS and tracking compliance with OSS inspection requirements.

Task 2. Field Visits to Verify OSS Status

Quarterly Progress Report

Last quarter, we identified ten parcels in the MRA needing site visits to determine if land use may involve an OSS. The parcels are near shorelines in the vicinity of Sequim Bay State Park, Three Crabs Road (Jamestown Growing Area), and inner Dungeness Bay. This quarter, on-site staff conducted site visits and confirmed the presence of nine OSS and located septic permits for three of the systems. The tenth parcel is undeveloped and has no OSS.

The primary focus of work on Task 2 in the second quarter was gathering information from marine shoreline landowners in the MRA who are presumed to be on septic systems but have no permit or other record of their OSS on file with the County. In early April, we sent letters to 84 marine shoreline landowners requesting OSS records, if they exist, and notifying landowners that County staff would be visiting properties this spring to collect information about unknown OSS. About one third (31) of the landowners responded to our request for information by phone, letter, or visiting the permit counter.

Based on the responses from landowners, we tentatively confirmed the presence of at least 26 OSS (one parcel may have two OSS) out of the 84 unknowns. Owners of four parcels reported that their properties did not contain OSS, and a fifth landowner said that the drainfield was removed but the tank left in place for possible future use. When landowners responded by mail, they usually sent us some sort of record, such as a plot plan from their designer, a hand-drawn sketch, pump receipts, or an agreement with a neighbor about sharing the system. Others reported whatever history or knowledge they had about the system but said they could not find any records for their OSS. On-site staff will need to confirm the unofficial records and reports through office research and site visits.

On-site staff has started visiting shoreline properties in the MRA to verify the nature and status of unknown OSS. A sanitarian visited ten properties in the Diamond Point area (northeast Clallam County) in May but found no one at home. She left notices at the ten residences informing the landowners of her visits. In July, one of these landowners had his soils evaluated for an OSS repair.

Task Summary

As described above, Clallam County targeted 84 unknown OSS near shorelines in the MRA, sent letters to landowners requesting information about these systems, tracked the responses from landowners, and began to visit properties. We tentatively confirmed the presence of 26 systems and received records, both official and unofficial, of some OSS. We also ground-truthed ten shoreline parcels with uncertain land uses and verified that nine of them are developed and probably have OSS. We laid the groundwork for future site visits in the MRA by identifying other shoreline SOC's for which we have permits or sanitary surveys but no current OSS inspection records to verify the system's status.

Proposed Next Steps

In the next biennium, Clallam County proposes to continue gathering information and conducting site visits to verify the existence and status of the 84 unknown OSS near marine shorelines in the MRA. Staff will follow up with the landowners who contacted us about their OSS and will visit properties where there are still data gaps. We also need to develop a system for tracking unofficial but still valuable OSS information, possibly by integrating it into the permitting database with appropriate qualifiers.

Field investigations in other areas of the MRA will depend on available funding and public health priorities.

Task 3. OSS Owner Education

Quarterly Progress Report

In the second quarter, Clallam County held three Septic 101 workshops (one per month) and trained 27 participants.

The County also implemented a pilot project to train owners of standard pressure septic systems how to inspect their own OSS. Owners of pressurized partial-fill, pressurized sand-lined, and pressurized deep-trench systems qualified for the class. Participants were recruited from a waiting list of interested OSS owners and through an email notice

to the OSS Work Group's mailing list (which the Sequim Gazette picked up and printed). The County hired the Washington Onsite Sewage Association to teach two pressure classes in June. The training involved classroom and field instruction, and participants had to pass a competency test to obtain their certification from the County. The format was similar to the conventional gravity trainings that WOSSA taught for Clallam County in June 2008 and January and February 2009. Both pressure classes were held in the MRA.

WOSSA trained 42 OSS owners, and all passed the competency test. Comments received in the course evaluations were generally very positive and helpful, and many participants expressed appreciation for the opportunity to take the training and to be able to inspect their own OSS. However, most participants are residents of the MRA and will have to hire a professional to inspect their OSS; after the initial professional inspection, homeowners who completed the training and earned their certification will be able to do their own OSS inspection (per the Clallam County sewage system code).

In addition, Clallam County Division of Environmental Health, Clallam County Department of Community Development, Washington Department of Ecology, and Clallam County Public Utility District #1 hosted an OSS workshop in Sequim on June 11. One purpose of the workshop was to inform residents in the MRA of the OSS inspection requirements and other rules and regulations affecting OSS owners. Topics covered included general information about how OSS work and the connection to soil types; protecting groundwater with properly designed and maintained OSS; reviewing new MRA regulations and how they affect homeowners; and estimating costs and benefits to property owners. Approximately 20 citizens attended the workshop.

Finally, in the second quarter the County procured a portable and durable poster about OSS inspection requirements and the MRA. We plan to use the poster at future trainings and outreach events.

Task Summary

Clallam County focused more effort on OSS owner education than originally anticipated at the start of the project. The deliverable for this task was to hold 12 Septic 101 classes for OSS owners and users. Clallam County held 19 Septic 101 workshops in the MRA and taught 340 students from November 2007 through June 2009. Demand for these workshops was strong for most of the contract period but declined somewhat in the first half of 2009, when the County did not advertise the classes as much.

In addition, the County responded to demands from the public and the OSS Work Group to develop a training and certification for homeowners who want to learn how to inspect their own septic system in order to fulfill their responsibilities under Chapter 246-272A-0270 WAC. The County obtained permission from DOH to hold a series of OSS inspection trainings for homeowners, and these consumed considerable staff time to develop and implement.

Clallam County sponsored ten OSS inspection trainings for homeowners during the contract period. The Jamestown S'Klallam Tribe funded two of the classes, and DOH funds supported the rest. Eight classes were for owners of conventional gravity OSS,

and the final two classes were for owners of standard pressure OSS. WOSSA taught all ten classes and administered the competency tests; the training involved classroom and field instruction. Eight of the classes were held at facilities in the MRA, one class was held at the Clallam County fairgrounds in Port Angeles, and one class was held in Forks. Classes were free (or almost free) to participants.

We trained a total of 198 homeowners – 156 owners of conventional gravity OSS and 42 owners of standard pressure OSS. About 80% of the participants live in the MRA. All of the homeowners passed the competency test except for two participants in the first class in June 2008 (both of whom declined an opportunity for retesting). The County certified the successful participants to inspect their own OSS, as long as they met the requirements of the Clallam County sewage system code (e.g. residents of the MRA and OSS owners with no as-built record on file at the County must have a professional perform the first inspection, professional inspections are required for property transfers and government actions, etc.). Homeowners will need to renew their certificates after five years.

We asked class participants to fill out a background questionnaire and course evaluation at the end of their training; 154 of the participants completed the survey (unfortunately, we did not pass out the surveys at the Forks class, so results are from the nine classes held in Sequim or Port Angeles). We learned the following:

- About 80% of the homeowners who took the class and filled out a survey were men, and over 90% were at least 50 years old.
- The typical respondent lived in a three-bedroom house, in a household of two, and had lived in his home for about 6 to 12 years.
- Over 90% of respondents indicated they knew the locations of their septic tank and drainfield.
- Almost all of the owners of conventional gravity OSS who completed the survey reported that they felt comfortable to inspect their own OSS after completing the training (114 out of 117). Three of the owners said they weren't sure or needed more training.
- Most of the owners of pressure systems who completed the survey also indicated they were comfortable to inspect their own OSS (34 out of 39). Four pressure system owners said they would be ready to inspect their OSS on their own after shadowing a professional for the first inspection (as is required in the MRA), and one said she may need more training.

When asked how soon they planned to complete their OSS inspection, over 90% of respondents with conventional gravity OSS indicated they would have their inspection done within the next year. However, only 23 of the 154 homeowners who successfully completed the conventional gravity OSS inspection training have submitted system status reports to the County. Of these, 15 homeowners hired professionals to inspect their OSS to fulfill the MRA requirement, and 8 homeowners completed their own inspections. Two of the homeowners who inspected their own OSS live in the MRA but have not had a professional inspection yet; either they did not understand the MRA requirement or are ignoring it, and the County will have to follow up with them. Some may be procrastinating until July 1, 2010 approaches (three years after Chapter 246-272A-0270 WAC went into effect) to have their system evaluated.

In 2009 (January/February and June classes), the County added a few questions to the course evaluation and got these responses:

- A majority of respondents rated WOSSA instructors, County instructors, and the class overall as “excellent,” and almost all respondents would recommend the class to others.
- Over half of the respondents said that the class inspired them to make lifestyle changes to protect their septic system, including practicing water conservation, cutting back on garbage disposal use, cleaning the baffle outlet screen more often, and being more conscious of products used in the home and how they might affect the septic system.
- Of those who said they were not inspired to make lifestyle changes, many stated they were already “septic friendly” households before taking the class.
- The most common motivations for homeowners to take the class included learning more about their septic system, saving money, being able to inspect their own system, and protecting the environment.
- Respondents who attended the conventional gravity OSS trainings in January and February 2009 (which were offered for a nominal \$5 fee) would be willing to pay around \$30 on average for the training (range of \$5 to \$75).
- Respondents who attended the pressure OSS trainings in June 2009 (which were free to participants) would be willing to pay around \$38 on average for the training (range of \$0 to \$100).

Proposed Next Steps

Clallam County received an Ecology grant (combination of Centennial Clean Water Funds and 319 Nonpoint Source Funds) for education and outreach activities, including developing and testing the feasibility of an OSS inspection training and certification program for homeowners, teaching Septic 101 classes, and producing a quarterly newsletter about OSS operation, monitoring, and maintenance and nonpoint source pollution issues. We will implement these projects in the next biennium using the new grant funds from Ecology. We plan to draw from the valuable experience we gained in the MRA project as we build a comprehensive homeowner training program that we hope can be used by other jurisdictions. As a first step, we have decided to make Septic 101 a prerequisite to any future OSS inspection training and certification program for homeowners in Clallam County. We will use the newsletters to inform OSS owners about their responsibilities under Chapter 246-272A-0270 WAC; the Clallam County OSS Management Plan and how the County is implementing it; training opportunities such as Septic 101 and the new pilot project; public meetings and outreach events such as OSS Work Group meetings; and other issues related to septic systems, nonpoint source pollution, and water quality.

Task 4. Project Management

Quarterly Progress Report

In this reporting period, Task 4 activities included the following:

- Coordinated activities,
- Tracked task progress and budgets,
- Updated the implementation work plan,
- Administered contract, and

- Attended OSS management plan implementation meeting for local health jurisdictions on April 23rd.

Also this quarter we used some MRA project funding for records research and septic permit and operation and maintenance data entry for OSS in the MRA, to improve the completeness and accuracy of OSS records in the permit database. Bringing the database up to date is fundamental to defining a baseline, identifying truly “unknown” OSS and SOCs, and addressing these systems through information requests and field visits. This basic research was also performed for other areas of the county under the scope of the OSS Management Plan Implementation Project (Task 2). We also used some MRA funds to prepare the database for managing OSS inspection records, so the County can track and report on the status of OSS in the MRA, and for entering a backlog of OSS inspection reports into the database. This quarter, staff entered 202 OSS inspection reports for systems in the MRA. As these activities do not fit exactly into the previous tasks, they are reported here under Project Management.

Task Summary

Quarterly progress reports were prepared and submitted to DOH in a timely fashion, and OSS owner education and mapping deliverables were met. The highest priority work under Task 1, identifying SOCs along marine shorelines in the MRA, is complete, and on-site staff made progress on Task 2 field visits, especially in the first half of 2009. Clallam County participated in all OSS management plan implementation calls and face-to-face meetings scheduled with DOH and other LHJs.

Proposed Next Steps

Funding from DOH for MRA projects may not be available to LHJs in the next biennium. If Clallam County receives MRA funding, we will continue project management activities as needed.