

Thurston County Public Health and Social Services
Environmental Health Division
Onsite Sewage System Designer Program

General

Thurston County Environmental Health has identified the need to address problems with onsite sewage system designs in a more formal way than we have in the past. The problem we see is submittal of designs that are inaccurate, don't contain all the information required, or are otherwise ambiguous or unclear. It is our intent to work with designers and engineers to address problems with designs locally, without having to resort to a complaint to the Washington State Department of Licensing. We intend to do this by:

1. When a potential problem is identified, it will be routed to the designer program personnel (currently Steven Davies; supervisor is Steven Petersen) for review. The decision on whether to schedule a meeting with the designer/engineer to discuss the issue will be at the discretion of the designer program personnel.
2. Contacting licensed designers and engineers after a problem has been identified and requesting their presence at a meeting to discuss the issue.
3. Discuss the issues with the designer/engineer to find out their point of view and to clearly state the departments' expectations or requirements.
4. Document the meeting in writing to the designer/engineer. The need for this will be determined on a case-by-case basis.
5. Doing our best to make design requirements clear (designer packet developed).
6. Trying to maintain an objective atmosphere through peer review of the issue at hand. To help accomplish this, the case handler who identifies the problem will not be involved in the meeting with the designer or engineer.

It is important to state that it is not our intent to unreasonably burden a designer/engineer through "nit-picking" designs and calling people in for simple design errors. We all err from time to time. This program is intended to address many of the more significant problems we have encountered.

The following pages describe how we will identify issues we think are significant enough to request a meeting, and how we will determine the significance of the problem; Again, we want to resolve problems locally. If we are unable to obtain voluntary compliance locally, we will submit a complaint to WSDOL. This program is designed to provide WSDOL with a well-documented complaint. It is our desire to avoid this if possible.

I) The following actions shall establish grounds on which the department may initiate discussions with a designer/engineer regarding performance issues:

- 1) Submittal of a design that violates any provision of WAC 246-272 or Article IV of the Thurston County Sanitary Code.
- 2) Submittal of a design that violates any policy established by the department for the implementation of Article IV, WAC 246-272, or Recommended Standards and Guidance documents.
- 3) Violation of any provisions of WAC 196-33, *Rules of Practice for Licensees Designing On-Site Wastewater Treatment Systems*.
- 4) Performing work associated with on-site sewage systems that is or results in a violation of Article IV, WAC 246-272, or any policy established by the department.

II) The significance and severity of the violation shall be determined by the health officer based on these factors:

- 1) The severity of the violation in terms of threat to human health and environmental degradation.
- 2) Magnitude of the violation in terms of type or amount of pollutant or resources affected, and the duration or number of specific violations.
- 3) Whether the violation was intentional, the degree of negligence involved in the violation, and precautions taken to prevent the violation.
- 4) Record of identical or similar violations or a pattern of violations indicating a general disregard of public health and environmental health rules and laws.
- 5) Any past efforts to acquaint the violator with the applicable requirements.
- 6) Relative fault or responsibilities of two or more violators who may each have some portion of the responsibility for the violation.
- 7) Degree of cooperation and response time of the violator in working toward compliance.
- 8) Timeliness and appropriateness of corrective action taken by the violator.

- 9) Financial incentives to violate requirements or to continue violation. (Does the violator or did the violator achieve a monetary benefit from the violation?)
- 10) Related public health or environmental actions that may be taken by other local or state agencies.
- 11) All other considerations as required by law or deemed relevant by the health officer.

III) Departmental Actions

Informal Actions May Be Employed

The health officer may instruct, direct, point out errors, or otherwise seek voluntary compliance with applicable standards without initiating formal actions. Examples of these actions may include counseling letters and memoranda of understanding or agreement. Informal actions will typically be documented. These documents will be purged from the designers' file after two years (reference *Retention & Disposition-Public Records* in the Thurston County Designers packet).

A person who willingly complies with standards and requirements without further instruction will not be the subject of a formal complaint to WSDOL.

Generally, if compliance is not achieved by use of a lesser action, the health officer shall escalate the action.

Formal Actions Considered for More Serious Violations

When violations occur, which are considered "significant" or "serious" (see section II of these criteria for factors considered in determining significance or severity) formal actions will typically be pursued. The action will be a formal, written, well-documented complaint to WSDOL. Written complaints will be purged from the designers' file after 6 years (reference *Retention & Disposition-Public Records*).