

ORDINANCE H-1-2023

AN ORDINANCE amending Article IV of the Sanitary Code for Thurston County.

WHEREAS, the Board of Health adopts the following findings:

1. Pursuant to Chapter 70.05 RCW and Washington State Constitution Article XI, Section 11, the Board of Health has the power to enact rules and regulations as are necessary to preserve, promote and improve the public health.
2. Nisqually Reach is an important shellfish growing area in Thurston County.
3. The Nisqually Reach Watershed Protection Area was established by the Board of Health as a marine recovery area and area of special concern on February 14, 2012, in Ordinance No.H-1-2012, with a termination date of December 31, 2023, unless re-enacted by the Board of Health.
4. The Nisqually Reach Watershed Protection Area should continue to exist as a marine recovery area and area of special concern to provide on-site sewage system monitoring, maintenance, and education programs with an on-going goal of minimizing impacts on the Nisqually Reach water quality.
5. On September 5, 2023, the Board of Thurston County Commissioners approved Ordinance No. 16296 fixing rates and charges to fund an on-site sewage operation and maintenance program in the Nisqually Reach Shellfish Protection District.
6. In order to better ensure the proper functioning of on-site sewage systems, systems requiring an operational certificate should be inspected by a certified on-site sewage professional at least once every nine-years.
7. In marine recovery areas, areas of special concern, and areas posing an increased public health risk, minor repairs to an on-site sewage system should be reported to the health officer to ensure they effectively correct the system failure.
8. These amendments will enable Thurston County to better preserve, promote and protect the public health.

NOW, THEREFORE, THE THURSTON COUNTY BOARD OF HEALTH  
HEREBY ORDAINS AS FOLLOWS:

Section 1. The Nisqually Reach Watershed Protection Area is reenacted as a marine recovery area and area of special concern.

Section 2. Article IV, Section 8.2 of the Sanitary Code for Thurston County is amended to read as follows:

8.2 For a "minor repair" no OSSA or OSSP is necessary. Minor repairs do not include repair, replacement or alterations of combinations of multiple SSAS components, such as replacing pipe and gravel, distribution box replacement, or any repair or replacement activity that disturbs, destroys or may affect the soil at or near the soil absorption interface of a SSAS or other dispersal component.

8.2.1 For a "minor repair" of an OSS located in a marine recovery area, area of special concern, or area posing an increased public health risk established by the Board of Health under Section 22 of this article, a written report must be submitted to the Health Officer stating the nature and cause of the failure, the specific repair or replacement work, and describing how the minor repair will correct the failure.

Section 3. Article IV, Table II, footnote 2 of the Sanitary Code for Thurston County is amended to read as follows:

<sup>2</sup> When an OSS is proposed to be installed in soil types 1 through 5 that are included in the list of Category I soil series in ~~Chapter 17~~ chapter 24.10 of the Thurston County Code (Critical Areas Ordinance) pressure distribution is required at a minimum.

Section 4. Article IV, Section 16.1.1 of the Sanitary Code for Thurston County is amended to read as follows:

16.1.1 Have a complete inspection of all OSS components performed, by an individual qualified to determine function, maintenance needs, and compliance with regulations and permits according to the following requirements:

16.1.1.1 **Timing.** For OSS consisting solely of a sewage tank and gravity SSAS, except food establishments regulated by Article II of this Code, the inspection shall be done once every three (3) years. For all other OSS, the inspection shall be done annually, unless more frequent inspections are specified in an Operational Certificate. ~~The inspection is required to be performed by an individual certified by the Health Officer or by an OSS professional, except, when an Operational Certificate is NOT required, the inspection may be performed by the owner if qualified as set forth in policies adopted by the Health Officer.~~

~~16.1.1.2 For all other OSS, the inspection shall be done annually, unless more frequent inspections are specified in an~~



~~Operational Certificate. Inspections for renewal of an Operational Certificate must be performed by an individual certified by the Health Officer or an OSS professional. Annual inspections on non-renewal years and inspections of systems that do not require an Operational Certificate may be performed by the owner, if qualified as set forth in policies adopted by the Health Officer, or by an individual certified by the Health Officer, or by an OSS professional.~~

16.1.1.2 **OSS requiring an Operational Certificate.** For renewal of the Operational Certificate the inspection is required to be performed by an OSS professional or an individual certified by the Health Officer as outlined in policies adopted by the Health Officer. On non-renewal years, the annual inspection may be performed individuals with the same qualifications as for an operational certificate renewal, or by the owner if qualified as set forth in policies adopted by the Health Officer. An inspection must be performed by an OSS professional at least once every nine years.

16.1.1.3 **OSS that do not require an Operational Certificate.** For OSS that do not require an Operational Certificate, the inspections may be performed by an OSS professional, individual certified by the Health Officer, or the owner if qualified as set forth in policies adopted by the Health Officer.

Section 5. Article IV, Section 22.1.3 of the Sanitary Code for Thurston County is amended to read as follows:

22.1.3 Areas with a critical recharging effect on aquifers used for potable water as designated under chapter 17.15 chapter 24.10 of the Thurston County Code (Critical Areas Ordinance);

Section 6. Article IV, Section 22.5 of the Sanitary Code for Thurston County is amended to read as follows:

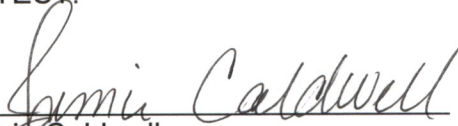
22.5 The Nisqually Reach Watershed Protection Area is designated as a marine recovery area and an area of special concern as set forth in Appendix A. ~~The Nisqually Reach Watershed Protection Area, and all requirements for the Area set forth in this Article, as may be hereafter amended, shall terminate on December 31, 2023 unless re-enacted by the Board of Health.~~

Section 7. This ordinance shall take effect January 1, 2024.

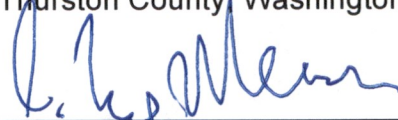
Section 8. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, in whole or in part, for any reason, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

Adopted: September 12, 2023

ATTEST:

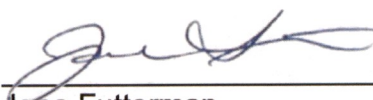
  
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Jamie Caldwell  
Clerk of the Board

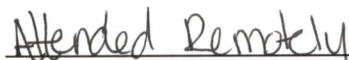
BOARD OF HEALTH  
Thurston County, Washington

  
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TYE MENSER, Chair

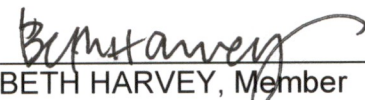
Approved as To Form:


JON TUNHEIM  
PROSECUTING ATTORNEY

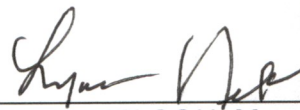
  
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Jane Futterman  
Sr. Deputy Prosecuting Attorney

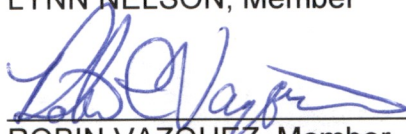
  
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