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PREFACE

This supplement to the King County Board of Health Code provides codification of all rules and regulations adopted through R&R 08-03, adopted June 19, 2008, and effective August 1, 2008.

The Code of the King County Board of Health was originally published by Book Publishing Company in 1988, and was kept current by regular supplementation by ProCode beginning in 2000. In 2006, the King County Clerk of the Council became responsible for the codification of the Code.

The Code is organized by subject matter under an expandable three-factor decimal numbering system, which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter and section. Some vacant numbers have not been used in order to accommodate later additions to the Code.

Each section of the Code is followed in parentheses by a legislative history identifying specific sources for the provisions of the section. In history notes, "R&R" denotes Board of Health rules and regulations and "HDR" denotes rules promulgated by the director. This legislative history is complemented by disposition tables, following the text of the Code, listing by number all codified provisions, their subjects, dates of passage and where they appear in the codification. Starting with the May 2000 supplement, all provisions are listed in the tables, along with the dates of passage and effective dates.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This version of the King County Board of Health Code is certified to comply with the current requirements of the King County Board of Health.



Anne Noris
Clerk of the Board of Health
King County Courthouse
516 3rd Avenue, Suite 1039
Seattle, Washington 98104

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GENERAL PROVISIONS***

- Chapters:**
- 1.01 Code Adoption**
 - 1.04 General Provisions**
 - 1.08 Uniform Enforcement Code**

* **Editor's Note:** For administrative rules relevant to this title, look for a following "R" title of the same number.

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**Chapter 1.01
CODE ADOPTION**

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Purpose and policy.
- 1.01.040 Rules of construction.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Effect of code on past regulations and obligations.
- 1.01.080 Constitutionality.

1.01.010 Adoption. Pursuant to authority vested in it by Chapter 70.05 RCW, Titles 1, 2, 3, 5, 6, 8, 10, 12, 13, 14 and 15 of The Code of the King County Board of Health, dated 1988, as compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of the King County board of health, a codification of the general and permanent rules and regulations of the King County board of health, are adopted. (R&R 40 (part), 12-15-88: R&R 38 §1, 9-20-88).

1.01.020 Title--Citation--Reference. This code shall be known as "The Code of the King County Board of Health" and it shall be sufficient to refer to said code as "The Code of the King County Board of Health" in any prosecution for the violation of any provision thereof, in any enforcement proceeding or in any other proceeding in law or equity. It shall be sufficient to designate any rule or regulation adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of "The Code of the King County Board of Health" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (R&R 40 (part), 12-15-88: R&R 38 §2, 9-20-88).

1.01.030 Purpose and policy. It is expressly the purpose of this code to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code. It is the specific intent of this code to place the obligation of complying with its requirements upon those parties regulated thereunder, and no provision of nor term used in this code is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this code shall be discretionary and not mandatory. Nothing in this code is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, on its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this code to comply with this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code on the part of King County by its officers, employees or agents. (R&R 40 (part), 12-15-88: R&R 38 §3, 9-20-88).

1.01.040 Rules of construction. The adoption of this code shall establish the general and permanent rules and regulations of the King County board of health in effect as of the effective date of this code, except that nothing herein shall be construed as repealing or changing the meaning of any such rules and regulations and, as a rule of construction, in case of any omissions or any inconsistency between any of the provisions of this code and the rules and regulations existing immediately preceding this enactment, the previously existing rules and regulations shall control. (R&R 40 (part), 12-15-88: R&R 38 §4, 9-20-88).

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as "The Code of the King County Board of Health" or to any portion thereof, or to any rule or regulation of the King County board of health, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (R&R 40 (part), 12-15-88: R&R 38 §5, 9-20-88).

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (R&R 40 (part), 12-15-88: R&R 38 §6, 9-20-88).

1.01.070 Effect of code on past regulations and obligations. The adoption of this code shall not in any manner affect any prosecution for violation of rules or regulations, which violations were committed prior to the effective date hereof, nor shall it be construed as a waiver of any permit, fee or penalty at said effective date due and unpaid under any such rules and regulations relating to the collection of any such permit fees or penalties or the penal provisions applicable to any violations, and all rights and obligations existing under the rules and regulations in effect immediately prior to the effective date of this code shall continue in full force and effect. (R&R 40 (part), 12-15-88: R&R 38 §7, 9-20-88).

1.01.080 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The King County board of health hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the preexisting rules and regulations shall be in full force and effect. (R&R 40 (part), 12-15-88: R&R 38 §8, 9-20-88).

**Chapter 1.04
GENERAL PROVISIONS
(RESERVED)**

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ARTICLE I. GENERALLY

1.08.010 Intent. All violations of public health rules and regulations are determined to be detrimental to the public health, safety and welfare and are hereby declared to be public nuisances. All conditions which are determined by the director to be in violation of any public health rules and regulations shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means as provided in this chapter. (R&R 7 §103, 12-1-81).

1.08.020 Definitions. As used in this chapter:

A. "Director" means the director of the department of public health or his/her duly authorized representative.

B. "Enforcement technical review committee" means the committee established by Section 109 of King County Ordinance No. 2909.

C. "Hearing examiner" means the county zoning and subdivision examiner, as created by Ordinance 263, Article 5, King County Code (KCC) Chapter 20.24, or his duly authorized representative.

D. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully pollutes, interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal, body of water or basin, or any public park, square, street or highway, or in any way renders other persons insecure in life, or in the use of property.

E. "Permit" means any form of certificate, approval, registration, license or other written permission given to any person to engage in any activity as required by law, ordinance or regulation.

F. "Person" includes any individual, organization, firm, public or private corporation, association, political subdivision, government agency, municipality, industry, partnership and their agents or assigns, or any other entity whatsoever.

G. "Public nuisance" means a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.

H. "Public health rules and regulations" includes this chapter and any other existing or future ordinance or resolution of the county, rules and regulations of the board of health, or provisions of the Washington Administrative Code which regulate the public health, including but not limited to the following rules and regulations: board of health rules and regulations pertaining to food-service establishments (Title 5 of this code), meat (Title 6 of this code), swimming and spa pools (Title 14 of this code), solid waste (Title 10 of this code) and on-site sewage disposal systems (Title 13 of this code), and rules and regulations promulgated by the director pursuant thereto. (R&R 71 §1, 8-12-91: R&R 7 §101, 12-1-81).

1.08.030 Authority of director. The director is authorized to utilize the procedures of this chapter in order to enforce violations of any public health rules and regulations. (R&R 7 §102, 12-1-81).

1.08.040 Right of entry.

A. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any public health rules and regulations, or whenever the director or his/her duly authorized inspector has cause to believe that a violation of any public health rules and regulations has been or is being committed, the inspector may enter any building, structure, property or portion thereof at reasonable times to inspect the same.

B. If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and demand entry.

C. If such building, structure, property or portion thereof is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the inspector is unable to locate the owner or such other persons and he has reason to believe that conditions therewith create an immediate and irreparable health hazard, then he shall make entry.

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D. It is unlawful for any owner or occupant or other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand to permit prompt entry thereon where the inspector has reason to believe that conditions therein create an immediate and irreparable health hazard.

E. Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable health hazard, the inspector prior to entry shall obtain a search warrant as authorized by the laws of the state. (R&R 7 §104, 12-1-81).

1.08.050 Misdemeanor penalty. As an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, any person who wilfully or knowingly violates any public health rules and regulations, or rules and regulations adopted under them, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in the county jail for a term not to exceed ninety (90) days. Each day such violation continues shall be considered an additional offense. (R&R 7 §105, 12-1-81).

1.08.060 Civil penalty.

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, any person who violates any public health statute, rules and regulations, or rules and regulations adopted under them, or by each act of commission or omission procures, aids or abets such violation shall be subject to a civil penalty.

B. Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by the person or his or her immediate family shall be deemed to be engaged in noncommercial ventures for purposes of this section. All other persons shall be deemed to be engaged in commercial ventures for purposes of this section.

C. Civil penalties for violations by persons engaged in commercial ventures shall be assessed at two hundred fifty dollars (\$250.00) per violation. Civil penalties for violations by persons engaged in noncommercial ventures shall be assessed at twenty-five dollars (\$25.00) per violation. Each and every day or portion thereof during which a violation is committed, continued, permitted or not corrected shall be deemed a violation.

D. Penalties for the second separate violation by the same person within any five (5) year period shall be double the rates identified in this section. Penalties for any separate violation beyond a second violation by the same person within any five (5) year period shall be triple the rates identified in this section. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation and other procedures specified in this chapter. (R&R 7 amdt. §1, 6-9-82: R&R 7 §106, 12-1-81).

1.08.070 Abatement. In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, the director may order a public health rules and regulations violation to be abated. The director may order any person who creates or maintains a violation of any public health rules and regulations, or rules and regulations adopted under them, to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done. He will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. (R&R 7 §107, 12-1-81).

1.08.080 Other legal or equitable relief. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any public health rules and regulations, or rules and regulations adopted under them. (R&R 7 §108, 12-1-81).

1.08.090 RESERVED.

ARTICLE II. NOTICES AND ORDERS OF THE DIRECTOR**1.08.100 Initiation of enforcement action.**

A. Whenever the director has reason to believe that a use or condition exists in violation of any public health rules and regulations, or rules and regulations adopted under them, he shall initiate enforcement action under Sections 1.08.050 or 1.08.80 and/or, at his option, shall commence an administrative notice and order proceeding under this chapter to cause the assessment of a civil penalty pursuant to Section 1.08.060, abatement pursuant to Section 1.08.070 or suspension and revocation of any permits issued pursuant to Article III of this chapter.

B. Pending commencement and completion of the notice and order procedure provided for in this article, the director may cause a stop-work order to be posted on the subject property or served on persons engaged in any work or activity in violation of any public health rules and regulations. The effect of such a stop-work order shall be to require the immediate cessation of such work or activity until authorized by the director to proceed. (R&R 7 §201, 12-1-81).

1.08.110 Notice and order issuance. Whenever the director has reason to believe that violation of any public health rules and regulations, or any rules and regulations adopted under them, will be most promptly and equitably terminated by any administrative notice and order proceeding, he shall issue a written notice and order directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order shall contain:

A. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

B. A statement that the director has found the person to be in violation of public health rules and regulations with a brief and concise description of the conditions found to be in violation;

C. A statement of the corrective action required to be taken. If the director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as the director shall determine is reasonable under the circumstances;

D. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

E. Statements advising that (1) if any work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and (2) if any assessed civil penalty is not paid, the director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;

F. A statement advising that the order shall become final unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner. (R&R 7 §202, 12-1-81).

1.08.120 Service of notice and order. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot be reasonably ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may, but is not required to, be posted on the subject property. (R&R 7 §203, 12-1-81).

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1.08.130 Administrative conference. An informal administrative conference may be conducted at any time by the director for the purposes of bringing out all the facts and circumstances related to an alleged violation, promoting communications between concerned parties, and providing a forum for efficient resolution of any violation. The director may call a conference in response to a request from any person aggrieved by the director's order or the director may call a conference on his own motion. Attendance at the hearing shall be determined by the director and need not be limited to those named in a notice and order. The director may, but is not required to, involve the enforcement technical review committee. As a result of information developed at the conference, the director may affirm, modify or revoke his order. The administrative conference is optional with the director and is not a prerequisite to utilization of any of the enforcement provisions described in this chapter. (R&R 7 §204, 12-1-81).

1.08.140 Appeals.

A. Any person aggrieved by an order of the director may request in writing within ten (10) days of the service of the notice and order an appeal hearing before the county hearing examiner. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing.

B. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rulemaking and other powers necessary for conduct of the hearing as are specified by King County Code Section 20.24.150. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appealing party, to the director and to other interested persons who have requested in writing that they be so notified. The director may submit a report and other evidence indicating the basis for the enforcement order.

C. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to

do so.

D. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. He shall reverse the order if he finds that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested, to all the parties. (R&R 7 §205, 12-1-81).

1.08.150 Supplemental notice and order. The director may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this chapter. (R&R 7 §207, 12-1-81).

1.08.160 Finality of order.

A. Any order duly issued by the director pursuant to the procedures contained in this chapter shall become final ten (10) days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten (10) day period.

B. An order which is subjected to the appeal procedure shall become final twenty (20) days after mailing of the hearing examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in King County Superior Court. (R&R 7 §206, 12-1-81).

1.08.170 Enforcement of final order.

A. If, after any order duly issued by the director has become final, the person to whom such order is directed fails, neglects or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the director may:

1. Cause such person to be prosecuted under this chapter; and/or
2. Institute any appropriate action to collect a civil penalty assessed under this chapter; and/or
3. Abate the health violation using the procedures of this chapter; and/or
4. File in the office of the division of records and elections a certificate describing the property and the violation and stating that the owner has been so notified; and/or
5. Pursue any other appropriate remedy at law or equity under this chapter.

B. Enforcement of any notice and order of the director pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued. (R&R 7 §208, 12-1-81).

ARTICLE III. PERMIT**1.08.180 Suspension of permits.**

A. The director may temporarily suspend any permit issued under any public health rules and regulations for (1) failure of the holder to comply with the requirements of any public health rules and regulations or rules and regulations promulgated under them, (2) failure to comply with any notice and order issued pursuant to this chapter, or (3) the dishonor of any check or draft used by the permit holder to pay any fees required by law or rules and regulations of the board of health.

B. Permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided by this chapter.

C. Notwithstanding any other provision of this chapter, whenever the director finds that a violation of any public health rules and regulations or rules and regulations promulgated thereunder, has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately. (R&R 7 §301, 12-1-81).

1.08.190 Revocation of permits.

A. The director may permanently revoke any permit issued by him for (1) failure of the holder to comply with the requirements of any public health rules and regulations, or rules or regulations promulgated under them, or (2) failure of the holder to comply with any notice and order issued pursuant to this chapter, or (3) interference with the director in the performance of his duties, or (4) discovery by the director that a permit was issued in error or on the basis of incorrect information supplied to him, or (5) the dishonor of any check or draft used by the holder to pay any fees required by law or rules and regulations of the board of health.

B. Such permit revocation shall be carried out through the notice and order provisions of this chapter and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this chapter.

C. A permit may be suspended pending its revocation or a hearing relative to revocation. (R&R 7 §302, 12-1-81).

ARTICLE IV. RECOVERY OF CIVIL PENALTY AND COST OF ABATEMENT**1.08.200 Status of obligations.**

A. King County shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this chapter, or both, against the real property on which the civil penalty was imposed or any of the work was performed.

B. The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The prosecuting attorney on behalf of the county may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

C. The notice and order of the director pursuant to this chapter shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by the county.

D. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity. (R&R 7 §§401--404, 12-1-81).

1.08.210 Claim of lien.

A. The director shall cause a claim for lien to be filed for record in the office of the records and elections division within ninety (90) days from the date the civil penalty accrues, or within ninety (90) days from the date of completion of the work or abatement performed pursuant to this chapter.

B. The claim of lien shall contain the following:

1. The authority for imposing a civil penalty or proceeding to abate the violation, or both;
2. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
3. A description of the property to be charged with the lien;
4. The name of the known owner or reputed owner, and if not known the fact shall be alleged; and
5. The amount, including lawful and reasonable costs, for which the lien is claimed.

C. The director or his/her authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.

D. The claim of lien may be amended in case of action brought to foreclose it, by order of the court, insofar as the interest of third parties shall not be detrimentally affected by amendment. (R&R 7 §405, 12-1-81).

1.08.220 Recording of claims and notices. The director of the division of records and elections shall record and index the claims and notices described in this article. (R&R 7 §406, 12-1-81).

1.08.230 Duration of lien. No lien created by this chapter binds the property subject to the lien for a period longer than three (3) years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien. (R&R 7 §407, 12-1-81).

1.08.240 Foreclosure.

A. The lien provided for by this chapter may be foreclosed and enforced by a civil action in a court having jurisdiction.

B. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

C. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien. (R&R 7 §408, 12-1-81).

(KCBOH 9-2008)

ARTICLE V. (RESERVED)

Editor's Note: Former Article V, entitled Cash Penalty Amounts and Fees, and containing Sections 1.08.250 — 1.08.300, was amended in its entirety, and relocated to Chapter 2.06 of this code, by Rule and Regulation No. 05-05.

**Title 2
OFFICERS AND ADMINISTRATION**

Chapters:

- 2.04 Board of Health**
- 2.06 Miscellaneous Fees**
- 2.08 Hazardous Waste Management Coordination Committee**
- 2.10 Director Regulated Activities – Title 5 (Food Establishments)**
- 2.12 Director Regulated Activities – Title 7 (Pesticides)**
- 2.14 Director Regulated Activities – Title 10 (Solid Waste Handling)**
- 2.16 Director Regulated Activities – Title 12 (Water)**
- 2.18 Director Regulated Activities – Title 13 (On-Site Sewage)**
- 2.20 Director Regulated Activities – Title 14 (Swimming and Spa Pools)**
- 2.22 Director Regulated Activities – Title 15 (Schools)**

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Chapter 2.04
BOARD OF HEALTH

Sections:

- 2.04.010 Findings.
- 2.04.020 Board of health.
- 2.04.030 Administration.
- 2.04.120 Rules and regulations — Codification.
- 2.04.130 Rules and regulations — Availability.
- 2.04.140 Rules and regulations — Notice and hearing on adoption, amendment or repeal.
- 2.04.150 Rules and regulations — Emergency adoption.
- 2.04.160 Rules and regulations — Effective date.
- 2.04.170 Rules and regulations — Initiation of rulemaking.
- 2.04.180 Rules and regulations — Form.

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2.04.010 Findings. The council finds that state law requires that the board of county commissioners be the board of health for the county. Under the provisions of the Washington constitution and the King County Charter the powers, authority and duties granted to and imposed on county officers by general law are vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The charter does not vest in other officers the power to serve as the board of commissioners or the board of health, therefore it is appropriate to constitute the legislative authority of the county as the board of health. (R&R 1 amdt. § 1, 12-20-93).

2.04.020 Board of health. Pursuant to RCW Chapter 70.05.030, as amended, the legislative authority of King County shall constitute the King County board of health. The rules and regulations of the board shall be adopted by ordinance. (R&R 1 amdt. §2, 12-20-93).

2.04.030 Administration. In accordance with RCW Chapter 70.05, the director of the department of public health is designated as the administrative officer of the board. If the director of public health does not meet the qualifications of a health officer as provided in RCW Chapter 70.05, the director shall employ a person so qualified to advise the director and the board on medical and public health matters. (R&R 1 amdt. §3, 12-20-93).

2.04.120 Rules and regulations — Codification. Within one (1) year after the effective date of the regulation codified in this chapter, and as often thereafter as the board deems necessary, the board through the administrative officer shall provide for a compilation and codification of all board of health rules and regulations which have the force of law and are permanent and general in nature. Each codification shall be adopted by the board and shall be known as the "Code of the King County Board of Health." It shall be published with a detailed index and appropriate notices, citations and annotations. The administrative officer shall also provide for an annual supplement to the code encompassing all additional rules and regulations and rules and regulations as amended since the codification or previous supplement. (R&R 1 § 10, 6-7-85).

2.04.130 Rules and regulations — Availability. All rules and regulations adopted by the board shall be reproduced and a copy provided to and retained by the clerk of the county council. Additionally, a copy shall be made available to the public at a site to be determined by the administrative officer. Copies of all previously adopted rules and regulations, singularly, or as codified, shall be supplied at cost to any citizen upon request. (R&R 1 § 11, 6-7-85).

2.04.140 Rules and regulations — Notice and hearing on adoption, amendment or repeal. Prior to the adoption, amendment or repeal of any rule or regulation, the King County Board of Health shall conduct a public hearing on the subject of the proposed rules or regulations. The board shall give at least fourteen (14) days' notice of the proposed rules or regulations and hearing by one publication in the official newspaper of King County and by mailing notice to all persons or agencies who have made timely request of the board for advance notice of its rulemaking proceedings. Moreover, if the subject of the proposed rule relates to a specific community or communities within the county, notice shall also be published in the local community newspaper, if any. The notice shall include:

- A. Reference to the authority under which the rule or regulation is proposed;
- B. A description of the terms or substance of the proposed rule or regulation or of the subjects and issues involved; and
- C. A statement of the time and place of the public hearing and the manner in which interested persons may present their views thereon. (R&R No. 2 § 1, 6-21-96).

2.04.150 Rules and regulations — Emergency adoption. If the board finds that immediate adoption, amendment or repeal of a rule or regulation is necessary for the preservation of the public health, safety or general welfare, and that the observance of requirements of notice and hearing would be contrary to the public interest, the board may dispense with such requirements and adopt, amend or repeal the rule or regulation as an emergency rule or regulation. Such action shall become effective immediately upon its adoption by the board. An emergency rule or regulation shall not remain in effect for longer than ninety (90) days. (R&R No. 2 §2, 6-21-96).

(KCBOH 9-2008)

2.04.160 Rules and regulations — Effective date. The effective date of a rule or regulation shall be thirty (30) days from the date of its adoption by the board unless a later date is specified therein. Emergency rules or regulations shall become effective immediately upon their adoption by the board. (R&R No. 2 §3, 6-21-96).

2.04.170 Rules and regulations — Initiation of rulemaking. Recommendations or proposals for establishing, amending or repealing rules or regulations may be initiated by board members, by public health officials or by interested persons. Such proposals shall be submitted to the local public health officer who shall be responsible for preparing them for board consideration. (R&R No. 2 §4, 6-21-96).

2.04.180 Rules and regulations — Form. All rules and regulations adopted by the board shall be drafted in a form following, as far as is practicable, the form of rules codified in the Code of the King County Board of Health. Rules and regulations shall be numbered sequentially in the order adopted. (R&R No. 2 §5, 6-21-96).

Chapter 2.06
MISCELLANEOUS FEES

Sections:

- 2.06.005 Applicability of chapter.
- 2.06.010 Construction and environmental review fees.
- 2.06.020 Dishonored checks.
- 2.06.030 Late fee.
- 2.06.040 Permit replacement.
- 2.06.050 Permit transfer or name change.
- 2.06.060 Special services.
- 2.06.070 Refunds.

2.06.005 Applicability of chapter. The provisions of this chapter are applicable to activities regulated by the director of the Seattle-King County Department of Public Health pursuant to this code. (R&R No. 05-05 § 1, 6-17-2005).

2.06.010 Construction and environmental review fees. The director of the Seattle-King County Department of Public Health or the director's authorized representative is authorized and directed to charge and collect from the applicant for construction or master use permits when health department review is required the indicated fees for services described below:

A. For environmental review of plans subject to the Washington state Environmental Policy Act, Chapter 43.21 RCW, two hundred fifty dollars base fee, plus an additional fee for actual review costs over and above two hundred fifty dollars. (R&R No. 05-05 § 2, 6-17-2005; R&R No. 99-06 § 2, 10-15-99; R&R No. 78 § 1, 12-11-91).

2.06.020 Dishonored checks. The penalty for payment of a permit with a dishonored check shall be twenty-five dollars. (R&R No. 05-05 §§ 3, 4, 6-17-2005; R&R 97 §1, 12-14-93; R&R 71 §2, 8-12-91; R&R 7 Ch. 5, 12-1-81).

2.06.030 Late fee. The penalty for late permit fee payment, delinquent by more than ten days, is one-fourth of the applicable permit fee. The penalty for permit fee payment, delinquent by more than thirty days, is one-half of the applicable permit fee. The penalty for late payment of any seasonal permit fee is twenty-five dollars. (R&R No. 05-05 §§ 5, 6, 6-17-2005; R&R 97 §2, 12-14-93; R&R 79 §1, 12-11-91; R&R 7 Ch. 6, 12-1-81).

2.06.040 Permit replacement. The fee to replace a lost or destroyed permit shall be twenty-five dollars. (R&R No. 05-05 §§ 7, 8, 6-17-2005; R&R 97 §3, 12-14-93; R&R 7 Ch. 7, 12-1-81).

2.06.050 Permit transfer or name change. The fee for transferring a permit or for change of name for an existing permit, with no other change, shall be twenty-five dollars. (R&R No. 05-05 §§ 9, 10, 6-17-2005; R&R 97 §4, 12-14-93).

2.06.060 Special services. The fee for inspections request by permittee or person in charge of regulated activity, if outside regular department working hours, and for furnishing special services or materials, requested by the public, if not ordinarily provided by the Seattle-King County Department of Public Health shall be the cost to the department of providing hours and for performing the service or furnishing the materials. (R&R No. 05-05 §§ 11, 12, 6-17-2005; R&R 97 §5, 12-14-93).

2.06.070 Refunds. The fee for processing a refund shall be twenty-five dollars. (R&R No. 05-05 §§ 13, 14, 6-17-2005; R&R 97 §6, 12-14-93).

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Chapter 2.08
HAZARDOUS WASTE MANAGEMENT COORDINATION COMMITTEE

Sections:

- 2.08.010 Findings and authority.
- 2.08.015 Certified hauler defined.
- 2.08.020 Committee defined.
- 2.08.025 Department defined.
- 2.08.030 Landfill defined.
- 2.08.035 Moderate risk waste defined.
- 2.08.040 Passenger licensed vehicle defined.
- 2.08.045 Self hauler defined.
- 2.08.050 Septage defined.
- 2.08.055 Sewage defined.
- 2.08.060 Solid waste defined.
- 2.08.065 Suburban city defined.
- 2.08.070 Transfer station defined.
- 2.08.075 Consistency with state law.
- 2.08.080 Committee established – Membership.
- 2.08.085 Powers of the committee.
- 2.08.090 Fees.

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2.08.010 Findings and authority. The board of health finds that it is in the interest of the preservation and promotion of public health that moderate risk wastes not be commingled with other solid waste nor placed into sewage disposal systems through which underground and surface waters may be contaminated. The board finds that enhanced public education and enforcement of existing regulations will reduce the quantity of moderate risk wastes entering the regular solid waste stream and sewage disposal systems, and that additional funding is required for these enhancements. The board finds that a regional intergovernmental approach is best suited to these enhancements as described in the Local Hazardous Waste Management Plan for Seattle-King County.

Authority for this chapter is contained in RCW 70.05.060 and 70.95.160. (R&R No. 66 §1 (part), 4-2-91).

2.08.015 Certified hauler defined. "Certified hauler" means any person engaged in the business of solid waste handling having a certificate granted by the Washington Utilities and Transportation Commission for that purpose. (R&R No. 66 §1 (part), 4-2-91).

2.08.020 Committee defined. "Committee" means the Local Hazardous Waste Management Program's Management Coordination Committee established in Section 2.08.080 of this code. (R&R No. 03-02 § 2, 1-24-2003; R&R No. 66 § 1 (part), 4-2-91).

2.08.025 Department defined. "Department" means the Seattle/King County Department of Public Health. (R&R No. 03-02 § 3, 1-24-2003; R&R No. 66 § 1 (part), 4-2-91).

2.08.030 Landfill defined. "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility. (R&R No. 66 amdt. § 1, 10-3-94; R&R No. 66 § 1 (part), 4-2-91).

2.08.035 Moderate risk waste defined. "Moderate risk waste" shall have the same meaning ascribed in RCW 70.105.010 (17). (R&R No. 66 § 1 (part), 4-2-91).

2.08.040 Passenger licensed vehicle defined. "Passenger licensed vehicle" means any motor vehicle licensed by the state of Washington or any other state or governmental entity as a passenger vehicle. (R&R No. 66 § 1 (part), 4-2-91).

2.08.045 Self hauler defined. "Self hauler" includes all vehicles that are neither passenger licensed vehicles nor vehicles used by certified haulers in their solid waste handling operations. (R&R No. 66 § 1 (part), 4-2-91).

2.08.050 Septage defined. "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system. (R&R No. 66 § 1 (part), 4-2-91).

2.08.055 Sewage defined. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or liquid or liquid-borne waste which contains chemical in suspension or solution, and which may be lawfully discharged into a public sanitary sewer. (R&R No. 66 § 1 (part), 4-2-91).

2.08.060 Solid waste defined. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, infectious waste, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, or contaminated excavated solid/fills material. This includes all liquid, solid and semisolid materials which are not the primary products of public or private, industrial, commercial, mining, and agricultural operations, except that for the purposes of this rule solid waste does not include source-separated recyclable materials. (R&R No. 66 § 1 (part), 4-2-91).

2.08.065 Suburban city defined. "Suburban city" means any incorporated city or town whose boundaries include territory within King County and which has entered into a solid waste interlocal agreement with King County pursuant to Chapter 10.08.130 of the King County Code. (R&R No. 66 § 1 (part), 4-2-91).

2.08.070 Transfer station defined. "Transfer station" means a staffed, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a permanent disposal site. (R&R No. 66 § 1 (part), 4-2-91).

2.08.075 Consistency with state law. Unless the context clearly indicates otherwise, the words and phrases used in this title shall be construed so as to make it consistent with Chapter 70.105 RCW ("Hazardous Waste Management"), and with applicable rules and regulations promulgated thereunder. (R&R No. 03-02 § 4, 1-24-2003; R&R No. 66 § 1 (part), 4-2-91).

2.08.080 Committee established – Membership. The Local Hazardous Waste Management Program's Management Coordination Committee is hereby established. The committee shall be composed of five members:

- A. The director of the King County Department of Natural Resources – Solid Waste Division or his/her designee;
 - B. The director of City of Seattle Public Utilities or his/her designee;
 - C. A representative appointed by the Suburban Cities Association;
 - D. The director of the King County Department of Natural Resources – Water and Land Resources Division or his/her designee; and
 - E. The director of the Seattle-King County Department of Public Health or his/her designee.
- (R&R No. 03-02 § 5, 1-24-2003; R&R No. 66 § 1 (part), 4-2-91).

2.08.085 Powers of the committee.

A. The committee shall be responsible for accepting and recommending a management plan and budget for the reduction of moderate risk waste generation, its entry into the solid waste stream, entry into the liquid waste (sewage) stream, into storm drainage or surface waters, and evaporation into the air. The management coordination committee will develop an annual plan and budget and reach agreement on it through consensus of the entire committee. Lacking a consensus, a majority and a minority report will be forwarded to the King County Board of Health.

B. The committee shall recommend contracts with the city of Seattle, suburban cities, sewer districts located entirely or partially within King County, and King County, to implement portions of the management plan, in consideration of sums collected under Section 2.08.090 of this chapter. (R&R No. 03-02 § 6, 1-24-2003; R&R No. 66 § 1 (part), 4-2-91).

2.08.090 Fees.

**Part 1 — Fees.
Effective January 1, 2006.**

The following fees are established to provide funds for contracts authorized by Section 2.08.085(B):

A. Each private and public entity which bills for solid waste collection services shall pay an amount equivalent to eighty cents (\$0.80) per month for each residential customer in King County, and nine dollars and seven cents (\$9.07) per month for each customer in King County which is not a residential customer. Billings from the department to each entity as above shall be based on actual customer data from the preceding calendar year.

B. Each operator of a sewage treatment plant serving more than fifty (50) customers shall pay an amount equivalent to thirty-two dollars and forty cents (\$32.40) per million (1,000,000) gallons of sewage treated. Billings from the department to each operator as above shall be based on actual performance data from the preceding calendar year.

C. Each transfer station and landfill shall pay one dollar and thirty-four cents (\$1.34) for each passenger licensed vehicle load of solid waste brought to such transfer station or landfill.

D. Each transfer station and landfill shall pay three dollars and fifty cents (\$3.50) per ton for each load of solid waste brought to such transfer station or landfill by a self hauler.

Billings from the Department to each transfer station and landfill operator as above shall be based on actual performance data from the preceding calendar quarter.

All fees shall be billed and remitted to the department on a quarterly basis. All payments shall be due forty-five (45) days after receipt of bill.

**Part 2 — Fees.
Effective January 1, 2007**

The following fees are established to provide funds for contracts authorized by Section 2.08.085(B):

A. Each private and public entity which bills for solid waste collection services shall pay an amount equivalent to eighty cents (\$0.80) per month for each residential customer in King County, and nine dollars and seven cents (\$9.07) per month for each customer in King County which is not a residential customer. Billings from the department to each entity as above shall be based on actual customer data from the preceding calendar year.

B. Each operator of a sewage treatment plant serving more than fifty (50) customers shall pay an amount equivalent to thirty-three dollars and ninety-two cents (\$33.92) per million (1,000,000) gallons of sewage treated. Billings from the department to each operator as above shall be based on actual performance data from the preceding calendar year.

C. Each transfer station and landfill shall pay one dollar and thirty-four cents (\$1.34) for each passenger licensed vehicle load of solid waste brought to such transfer station or landfill.

D. Each transfer station and landfill shall pay three dollars and fifty cents (\$3.50) per ton for each load of solid waste brought to such transfer station or landfill by a self hauler.

Billings from the Department to each transfer station and landfill operator as above shall be based on actual performance data from the preceding calendar quarter.

All fees shall be billed and remitted to the department on a quarterly basis. All payments shall be due forty-five (45) days after receipt of bill. (R&R No. 05-02 §§ 1 — 4, 5-20-2005: R&R No. 66 amdt. § 2, 10-3-94: R&R No. 66 § 1 (part), 4-2-91).

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Chapter 2.10
DIRECTOR REGULATED ACTIVITIES – TITLE 5
(FOOD ESTABLISHMENTS)

Sections:

- 2.10.010 Applicability.
- 2.10.020 Permit fee schedule.
- 2.10.030 Seating calculations.
- 2.10.040 Plan review fees.
- 2.10.050 Late fees.
- 2.10.060 Occupational license and examination fees.
- 2.10.070 Special service fees.
- 2.10.080 Miscellaneous fees.
- 2.10.090 Penalty for commencing operation without approval.
- 2.10.100 Refunds.

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2.10.010 Applicability. The provisions of this chapter are applicable to activities regulated by the director pursuant to Title 5 of this code. (R&R No. 05-05 §§ 15, 16, 6-17-2005).

2.10.020 Permit fee schedule.

**Part 1 — Permit Fee Schedule.
Effective Through December 31, 2005.**

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a food establishment permit fee as set forth in Table 1, based on the establishment type and the risk category for the establishment. Where more than one type of food establishment exists within or as part of another food establishment (for example, a bakery within a grocery store, or a deli within a meat market), the owner or operator shall pay the permit fee for each applicable food establishment type; except that the owner or operator of a grocery store with no more than two checkout stands, or a general food establishment with no more than two checkout stands and no more than twelve seats for customers for on-site consumption of food, or a meat/fish market with no more than two checkout stands shall pay only the highest applicable risk category permit fee without being required to obtain a separate permit for each type of food handling activity at the establishment. For purposes of this section, "highest applicable risk category permit fee" means the fee corresponding to the highest risk category of food handling activity at the establishment.

TABLE 1
Food Establishment Categories and Permit Fees*

Type of Food Establishment	Applicable Fee ¹
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$261.00
Seating Capacity 0 – 12 Risk 2	\$435.00
Seating Capacity 0 – 12 Risk 3	\$602.00
Seating Capacity 13 – 50 Risk 1	\$264.00
Seating Capacity 13 – 50 Risk 2	\$441.00
Seating Capacity 13 – 50 Risk 3	\$636.00
Seating Capacity 51 – 150 Risk 1	\$270.00
Seating Capacity 51 – 150 Risk 2	\$463.00
Seating Capacity 51 – 150 Risk 3	\$679.00
Seating Capacity 151 – 250 Risk 1	\$280.00
Seating Capacity 151 – 250 Risk 2	\$474.00
Seating Capacity 151 – 250 Risk 3	\$720.00
Seating Capacity over 250 Risk 1	\$291.00
Seating Capacity over 250 Risk 2	\$477.00
Seating Capacity over 250 Risk 3	\$751.00
Limited Food Service	\$261.00
Bakery – No customer seating³	
Risk 1	\$261.00
Risk 2	\$435.00
Risk 3	\$602.00
Bed and Breakfast Operation	\$261.00
Grocery Store – No customer seating³	
Risk 1	\$261.00
Risk 2	\$435.00
Risk 3	\$602.00
Catering operation	
Risk 1	\$261.00
Risk 2	\$435.00
Risk 3	\$602.00
Meat/Fish Market	\$490.00
Vending Machine	\$261.00
Mobile Food Service	
Risk 1	\$261.00
Risk 2	\$435.00
Risk 3	\$602.00
Nonprofit Institution	
Risk 1	\$130.00
Risk 2	\$217.00
Risk 3	\$301.00
School Kitchen⁴	
Risk 2	\$217.00
Risk 3	\$301.00
Seasonal Food Establishment	One-half the applicable annual permit fee
Temporary Food Establishment⁵	
Low Risk	\$167.00
High Risk	\$174.00

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.
2. General food service includes a grocery store or bakery offering seating for on-site consumption of food.
3. A bakery or grocery store offering seating for on-site consumption of food shall be classified as a general food service establishment.
4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.
5. A temporary food establishment is designated as either Low Risk or High Risk.

*Editor's Note: See BOH chapter 5.64 for provisions regarding food establishment risk categories.

(KCBOH 9-2008)

B. The applicant for a seasonal food establishment permit, or a food establishment that is to be operated no longer than any period of six consecutive months, shall pay one-half the applicable annual permit fee specified in Table 1, above.

**Part 2 — Permit Fee Schedule.
Effective January 1, 2006, Through December 31, 2006.**

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a food establishment permit fee as set forth in Table 1, based on the establishment type and the risk category for the establishment. Where more than one type of food establishment exists within or as part of another food establishment (for example, a bakery within a grocery store, or a deli within a meat market), the owner or operator shall pay the permit fee for each applicable food establishment type; except that the owner or operator of a grocery store with no more than two checkout stands, or a general food establishment with no more than two checkout stands and no more than twelve seats for customers for on-site consumption of food, or a meat/fish market with no more than two checkout stands shall pay only the highest applicable risk category permit fee without being required to obtain a separate permit for each type of food handling activity at the establishment. For purposes of this section, "highest applicable risk category permit fee" means the fee corresponding to the highest risk category of food handling activity at the establishment.

TABLE 1
Food Establishment Categories and Permit Fees*

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$274.00
Seating Capacity 0 – 12 Risk 2	\$456.00
Seating Capacity 0 – 12 Risk 3	\$632.00
Seating Capacity 13 – 50 Risk 1	\$277.00
Seating Capacity 13 – 50 Risk 2	\$463.00
Seating Capacity 13 – 50 Risk 3	\$667.00
Seating Capacity 51 – 150 Risk 1	\$283.00
Seating Capacity 51 – 150 Risk 2	\$487.00
Seating Capacity 51 – 150 Risk 3	\$712.00
Seating Capacity 151 – 250 Risk 1	\$294.00
Seating Capacity 151 – 250 Risk 2	\$497.00
Seating Capacity 151 – 250 Risk 3	\$756.00
Seating Capacity over 250 Risk 1	\$306.00
Seating Capacity over 250 Risk 2	\$500.00
Seating Capacity over 250 Risk 3	\$789.00
Limited Food Service	\$274.00
Bakery – No customer seating³	
Risk 1	\$274.00
Risk 2	\$456.00
Risk 3	\$632.00
Bed and Breakfast Operation	\$274.00
Grocery Store – No customer seating³	
Risk 1	\$274.00
Risk 2	\$456.00
Risk 3	\$632.00
Catering operation	
Risk 1	\$274.00
Risk 2	\$456.00
Risk 3	\$632.00
Meat/Fish Market	\$514.00
Vending Machine	\$274.00
Mobile Food Service	
Risk 1	\$274.00
Risk 2	\$456.00
Risk 3	\$632.00
Nonprofit Institution	
Risk 1	\$137.00
Risk 2	\$228.00
Risk 3	\$316.00
School Kitchen⁴	
Risk 2	\$228.00
Risk 3	\$316.00
Seasonal Food Establishment	One-half the applicable annual permit fee
Temporary Food Establishment⁵	
Low Risk	\$175.00
High Risk	\$183.00

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.
2. General food service includes a grocery store or bakery offering seating for on-site consumption of food.
3. A bakery or grocery store offering seating for on-site consumption of food shall be classified as a general food service establishment.
4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.
5. A temporary food establishment is designated as either Low Risk or High Risk.

***Editor's Note: See BOH chapter 5.64 for provisions regarding food establishment risk categories.**

(KCBOH 9-2008)

B. The applicant for a seasonal food establishment permit, or a food establishment that is to be operated no longer than any period of six consecutive months, shall pay one-half the applicable annual permit fee specified in Table 1, above.

Part 3 — Permit Fee Schedule.
Effective January 1, 2007, Through December 31, 2007.

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a food establishment permit fee as set forth in Table 1, based on the establishment type and the risk category for the establishment. Where more than one type of food establishment exists within or as part of another food establishment (for example, a bakery within a grocery store, or a deli within a meat market), the owner or operator shall pay the permit fee for each applicable food establishment type; except that the owner or operator of a grocery store with no more than two checkout stands, or a general food establishment with no more than two checkout stands and no more than twelve seats for customers for on-site consumption of food, or a meat/fish market with no more than two checkout stands shall pay only the highest applicable risk category permit fee without being required to obtain a separate permit for each type of food handling activity at the establishment. For purposes of this section, "highest applicable risk category permit fee" means the fee corresponding to the highest risk category of food handling activity at the establishment.

**TABLE 1
Food Establishment Categories and Permit Fees***

<i>Type of Food Establishment</i>	<i>Applicable Fee¹</i>
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$288.00
Seating Capacity 0 – 12 Risk 2	\$479.00
Seating Capacity 0 – 12 Risk 3	\$663.00
Seating Capacity 13 – 50 Risk 1	\$291.00
Seating Capacity 13 – 50 Risk 2	\$486.00
Seating Capacity 13 – 50 Risk 3	\$701.00
Seating Capacity 51 – 150 Risk 1	\$298.00
Seating Capacity 51 – 150 Risk 2	\$511.00
Seating Capacity 51 – 150 Risk 3	\$748.00
Seating Capacity 151 – 250 Risk 1	\$309.00
Seating Capacity 151 – 250 Risk 2	\$522.00
Seating Capacity 151 – 250 Risk 3	\$793.00
Seating Capacity over 250 Risk 1	\$321.00
Seating Capacity over 250 Risk 2	\$525.00
Seating Capacity over 250 Risk 3	\$828.00
Limited Food Service	\$288.00
Bakery – No customer seating³	
Risk 1	\$288.00
Risk 2	\$479.00
Risk 3	\$663.00
Bed and Breakfast Operation	\$288.00
Grocery Store – No customer seating³	
Risk 1	\$288.00
Risk 2	\$479.00
Risk 3	\$663.00
Catering operation	
Risk 1	\$288.00
Risk 2	\$470.00
Risk 3	\$663.00
Meat/Fish Market	\$540.00
Vending Machine	\$288.00
Mobile Food Service	
Risk 1	\$288.00
Risk 2	\$479.00
Risk 3	\$663.00
Nonprofit Institution	
Risk 1	\$144.00
Risk 2	\$240.00
Risk 3	\$332.00
School Kitchen⁴	
Risk 2	\$240.00
Risk 3	\$332.00
Seasonal Food Establishment	One-half the applicable annual permit fee
Temporary Food Establishment⁵	
Low Risk	\$184.00
High Risk	\$192.00

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.
2. General food service includes a grocery store or bakery offering seating for on-site consumption of food.
3. A bakery or grocery store offering seating for on-site consumption of food shall be classified as a general food service establishment.
4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.
5. A temporary food establishment is designated as either Low Risk or High Risk.

***Editor's Note: See BOH chapter 5.64 for provisions regarding food establishment risk categories.**

(KCBOH 9-2008)

B. The applicant for a seasonal food establishment permit, or a food establishment that is to be operated no longer than any period of six consecutive months, shall pay one-half the applicable annual permit fee specified in Table 1, above.

**Part 4 — Permit Fee Schedule.
Effective January 1, 2008, and Thereafter.**

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a food establishment permit fee as set forth in Table 1, based on the establishment type and the risk category for the establishment. Where more than one type of food establishment exists within or as part of another food establishment (for example, a bakery within a grocery store, or a deli within a meat market), the owner or operator shall pay the permit fee for each applicable food establishment type; except that the owner or operator of a grocery store with no more than two checkout stands, or a general food establishment with no more than two checkout stands and no more than twelve seats for customers for on-site consumption of food, or a meat/fish market with no more than two checkout stands shall pay only the highest applicable risk category permit fee without being required to obtain a separate permit for each type of food handling activity at the establishment. For purposes of this section, "highest applicable risk category permit fee" means the fee corresponding to the highest risk category of food handling activity at the establishment.

**TABLE 1
Food Establishment Categories and Permit Fees***

<i>Type of Food Establishment</i>	<i>Applicable Fee¹</i>
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$302.00
Seating Capacity 0 – 12 Risk 2	\$503.00
Seating Capacity 0 – 12 Risk 3	\$697.00
Seating Capacity 13 – 50 Risk 1	\$306.00
Seating Capacity 13 – 50 Risk 2	\$510.00
Seating Capacity 13 – 50 Risk 3	\$736.00
Seating Capacity 51 – 150 Risk 1	\$312.00
Seating Capacity 51 – 150 Risk 2	\$536.00
Seating Capacity 51 – 150 Risk 3	\$785.00
Seating Capacity 151 – 250 Risk 1	\$324.00
Seating Capacity 151 – 250 Risk 2	\$548.00
Seating Capacity 151 – 250 Risk 3	\$833.00
Seating Capacity over 250 Risk 1	\$337.00
Seating Capacity over 250 Risk 2	\$552.00
Seating Capacity over 250 Risk 3	\$870.00
Limited Food Service	\$302.00
Bakery – No customer seating³	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Bed and Breakfast Operation	\$302.00
Grocery Store – No customer seating³	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Catering operation	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Meat/Fish Market	\$567.00
Vending Machine	\$302.00
Mobile Food Service	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Nonprofit Institution	
Risk 1	\$151.00
Risk 2	\$252.00
Risk 3	\$348.00
School Kitchen⁴	
Risk 2	\$252.00
Risk 3	\$348.00
Seasonal Food Establishment	One-half the applicable annual permit fee
Temporary Food Establishment⁵	
Low Risk	\$193.00
High Risk	\$201.00

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.
2. General food service includes a grocery store or bakery offering seating for on-site consumption of food.
3. A bakery or grocery store offering seating for on-site consumption of food shall be classified as a general food service establishment.
4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.
5. A temporary food establishment is designated as either Low Risk or High Risk.

***Editor's Note: See BOH chapter 5.64 for provisions regarding food establishment risk categories.**

(KCBOH 9-2008)

B. The applicant for a seasonal food establishment permit, or a food establishment that is to be operated no longer than any period of six consecutive months, shall pay one-half the applicable annual permit fee specified in Table 1, above. (R&R No. 05-05 §§ 15, 17, 18, 29, 30, 31, 32, 33, 34, 6-17-2005: R&R No. 02-05 § 1, 11/15/2002: R&R No. 01-02 § 1, 12/7/2001: R&R No. 00-09 § 1, 7-21-00: R&R No. 99-07 §1, 11-19-99: R&R No. 98-04 §1, 12-17-98: R&R No. 97-05 §1, 12-19-97: R&R No. 4 §1, 12-20-96; R&R No. 3 §1, 9-20-96; R&R No. 92 amdt. §1, 12-20-96: R&R No. 92 amdt. §1, 9-20-96: R&R No. 92 §1, 12-14-93: R&R No. 91 §1(part), 5-14-93).

2.10.030 Seating calculations. The health officer shall calculate seating capacity to determine the applicable permit fee, as follows:

A. The number of seats and other provisions for on-premises consumption shall be counted; seating used solely for customer waiting shall not be counted.

B. Any restaurant comprised of more than one type of operation, such as a coffee shop and cocktail lounge, may, at the option of the owner, have its seating capacity computed as if the restaurant were only a single operation.

C. Seating count for "take-out" and "drive-in" type food establishments shall either include the total number of inside and outside seats or two seats for each defined parking stall provided by the food establishment, whichever is greater. (R&R No. 05-05 §§ 19, 20, 6-17-2005: R&R 91 §1(part), 5-14-93).

2.10.040 Plan review fees.

**Part 1 — Plan Review Fees.
Effective Through December 31, 2005.**

The owner or operator of a food establishment shall pay to the health officer plan review fees as follows:

A.	New construction	\$412.00
B.	Remodel	\$359.00
C.	Two (2) or more plan reviews for one facility	\$255.00
D.	Plan resubmittal	\$270.00
E.	Subsequent pre-occupancies, on-site inspection prior to plan submittal, or on-site inspection when no plan review is required	\$100.00 per activity
F.	Temporary food establishment (all categories)	\$25.00 per review

**Part 2 — Plan Review Fees.
Effective January 1, 2006, Through December 31, 2006.**

The owner or operator of a food establishment shall pay to the health officer plan review fees as follows:

A.	New construction	\$432.00
B.	Remodel	\$377.00
C.	Two (2) or more plan reviews for one facility	\$267.00
D.	Plan resubmittal	\$283.00
E.	Subsequent pre-occupancies, on-site inspection prior to plan submittal, or on-site inspection when no plan review is required	\$100.00 per activity
F.	Temporary food establishment (all categories)	\$25.00 per review

**Part 3 — Plan Review Fees.
Effective January 1, 2007, Through December 31, 2007.**

The owner or operator of a food establishment shall pay to the health officer plan review fees as follows:

A.	New construction	\$454.00
B.	Remodel	\$396.00
C.	Two (2) or more plan reviews for one facility	\$281.00
D.	Plan resubmittal	\$297.00
E.	Subsequent pre-occupancies, on-site inspection prior to plan submittal, or on-site inspection when no plan review is required	\$100.00 per activity
F.	Temporary food establishment (all categories)	\$25.00 per review

**Part 4 — Plan Review Fees.
Effective January 1, 2008, and Thereafter.**

The owner or operator of a food establishment shall pay to the health officer plan review fees as follows:

A.	New construction	\$477.00
B.	Remodel	\$416.00
C.	Two (2) or more plan reviews for one facility	\$295.00
D.	Plan resubmittal	\$312.00
E.	Subsequent pre-occupancies, on-site inspection prior to plan submittal, or on-site inspection when no plan review is required	\$100.00 per activity
F.	Temporary food establishment (all categories)	\$25.00 per review

(R&R No. 05-05 §§ 15, 21, 35, 36, 37, 38, 39, 40, 6-17-2005).

2.10.050 Late fees. Notwithstanding the provisions of Chapter 2.06 of this code, the food establishment owner or operator shall pay the following late fees, as applicable:

A.	Annual permit fee payment delinquent by ten to thirty days	25 percent of applicable permit fee.
B.	Annual permit fee payment delinquent by more than thirty days	50 percent of applicable permit fee.
C.	Temporary food establishment permit application submitted nine to twelve days prior to the event	\$25.00
D.	Temporary food establishment permit application submitted three to eight days prior to the event	\$50.00

(R&R No. 05-05 § 22, 6-17-2005).

2.10.060 Occupational license and examination fees.**Part 1 — Occupational License and Examination Fees.
Effective Through December 31, 2005.**

The occupational license or examination applicant shall pay the following fees, as applicable, at the time of application submittal for the license or examination:

A.	Meat cutter's license exam	\$72.00
B.	Meat cutter's license renewal	\$50.00

**Part 2 — Occupational License and Examination Fees.
Effective January 1, 2006, Through December 31, 2006.**

The occupational license or examination applicant shall pay the following fees, as applicable, at the time of application submittal for the license or examination:

A.	Meat cutter's license exam	\$76.00
B.	Meat cutter's license renewal	\$52.00

**Part 3 — Occupational License and Examination Fees.
Effective January 1, 2007, Through December 31, 2007.**

The occupational license or examination applicant shall pay the following fees, as applicable, at the time of application submittal for the license or examination:

A.	Meat cutter's license exam	\$80.00
B.	Meat cutter's license renewal	\$55.00

**Part 4 — Occupational License and Examination Fees.
Effective January 1, 2007, and Thereafter.**

The occupational license or examination applicant shall pay the following fees, as applicable, at the time of application submittal for the license or examination:

A.	Meat cutter's license exam	\$84.00
B.	Meat cutter's license renewal	\$58.00

(R&R No. 05-05 §§ 15, 23, 41, 42, 43, 44, 45, 46, 6-17-2005).

2.10.070 Special service fees. The health officer is also authorized to charge such fees as the health officer may deem necessary for the furnishing of special services or materials requested by the public that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include, but are not limited to the examination, testing or inspection of particular products, materials, procedures, construction, equipment or appliances to determine their compliance with the provisions of this title or their acceptability for use. The health officer shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to county cost for furnishing services and materials. (R&R No. 05-05 § 24, 6-17-2005; R&R 91 §1(part), 5-14-93).

2.10.080 Miscellaneous fees.

A. The food establishment owner or operator shall pay the following miscellaneous fees, as applicable:

1.	Variance request fee	\$154.00
2.	Reinspection fee	50 percent of applicable permit fee.
3.	Reinstatement of permit after suspension	100 percent of applicable permit fee.
4.	Penalty for commencing operation of a food without required permit or plan review	50 percent of applicable permit fee.

B. The health officer is authorized to charge a fee equal to one-half of the applicable permit fee when he or she determines that a second inspection is necessary following a routine inspection or complaint investigation, and to adopt administrative policies to specify the terms and conditions upon which such reinspections are made, to be based upon the extent and severity of violations found.

C. The food establishment owner or operator shall pay fees, as applicable, for dishonored check submittal, permit replacement, permit transfer or name change, inspections outside regular department working hours, special services, and refunds, in accordance with the fee provisions of Chapter 2.06 of this code. (R&R No. 05-05 § 25, 6-17-2005).

2.10.090 Penalty for commencing operation without approval. Any food establishment owner who commences any work on or any operation of a food establishment for which a permit or plan review is required under Title 5 of this code without first having obtained such permit or plan review shall upon subsequent application for such permit or plan review pay the applicable permit or plan review fee and a penalty fee equal to one-half of the applicable permit or plan review fee. The health officer is authorized to waive the penalty fee upon receipt of proof, to the satisfaction of the health officer, that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, the food establishment owner or operator shall obtain a permit as soon as it is practical to do so, and if the health officer determines there is an unreasonable delay in obtaining the permit, a penalty fee shall be charged as provided in this section. (R&R No. 05-05 §§ 15, 27, 6-17-2005; R&R 91 §1(part), 5-14-93).

2.10.100 Refunds.

- A. A food establishment owner shall receive a refund of a permit fee if:
1. A permit is denied;
 2. A fee has been paid where none is imposed;
 3. The permit is issued where none is required;
 4. The permittee never engages in permitted activity due to the denial by any governmental agency to issue a necessary license;
 5. The applicant for a permanent permit withdraws his or her application before the permit is issued;
 6. The applicant for a temporary permit withdraws his or her application more than fourteen days prior to the event; or
 7. The food establishment permit has been overpaid by more than the amount of the refund processing fee set forth in Chapter 2.06 of this code;

B. Each refund shall be subject to a twenty-five dollar deduction for the cost of administration. (R&R No. 05-05 §§ 15, 28, 6-17-2005; R&R 91 §1(part), 5-14-93).

Chapter 2.12
DIRECTOR REGULATED ACTIVITIES – TITLE 7
(PESTICIDES)

Sections:

- 2.12.010 Applicability.
- 2.12.020 Special services — Authority.
- 2.12.030 Special services — Terms and conditions.
- 2.12.040 Examination and annual business registration fees.

2.12.010 Applicability. The provisions of this chapter are applicable to activities regulated by the director pursuant to Title 7 of this code. (R&R No. 05-05 §§ 47, 48, 6-17-2005).

2.12.020 Special services — Authority. The director is authorized to charge such fees as the director deems necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. (R&R No. 05-05 §§ 47, 49, 50, 6-17-2005; R&R 83 §1(part), 10-2-92).

2.12.030 Special services — Terms and conditions. The director or the director's authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to King County's cost for furnishing the services and materials. (R&R No. 05-05 §§ 47, 51, 52, 6-17-2005; R&R 83 §1(part), 10-2-92).

2.12.040 Examination and annual business registration fees. The fees for each application for a master structural pesticide applicator examination or annual structural pest control business registration are as follows:

- | | |
|-------------------------------------------------------------|---------|
| A. Master structural pesticide applicator examination fee | \$40.00 |
| B. Annual structural pest control business registration fee | \$50.00 |
- (R&R No. 05-05 §§ 47, 53, 54, 6-17-2005; R&R No. 99-05 §2, 10-15-99; R&R 83 amdt. §18, 10-3-94; R&R 83 §1(part), 10-2-92).

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Chapter 2.14
DIRECTOR REGULATED ACTIVITIES – TITLE 10
(SOLID WASTE HANDLING)

Sections:

- 2.14.010 Applicability.
- 2.14.020 Annual (new and renewal) operating permit fees.
- 2.14.030 Permit application – Plan review.
- 2.14.040 Tonnage and volume fees.
- 2.14.050 Payment.
- 2.14.060 Special inspections.
- 2.14.070 Solid waste variance fee.
- 2.14.080 Special services — Authority.
- 2.14.090 Special services — Terms and conditions.
- 2.14.100 Reexamination fee.

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2.14.010 Applicability. The provisions of this chapter are applicable to activities regulated by the director pursuant to Title 10 of this code. (R&R No. 05-05 §§ 55, 56, 6-17-2005).

2.14.020 Annual (new and renewal) operating permit fees.

**Part 1 – Annual (New and Renewal) Operating Permit Fees.
Effective Through December 31, 2005.**

The permit fees for solid waste disposal sites, collection/transportation vehicles, biomedical waste transporters and biomedical waste storage/treatment sites subject to the fee requirements of Title 10 of this code shall be the annual fees set forth below:

- | | | |
|----|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| A. | Municipal landfill | \$149.78 base fee
Plus tonnage fee as cited in Section 2.14.040, as
recodified by this rule. |
| B. | Limited purpose landfill | \$5,991.00
Each additional hour over 40 hours of service, not
to exceed 60 hours at \$149.78/hour (\$8,987.00). |
| C. | Inert landfill | \$5,991.00
Each additional hour over 40 hours of service, not
to exceed 60 hours at \$149.78/hour (\$8,987.00). |
| D. | Compost facility: | |
| 1. | Yard debris facility | \$11,383.00
Each additional hour over 76 hours of service, not
to exceed 114 hours at \$149.78/hour (\$17,175.00). |
| 2. | Facilities composting other feedstocks | \$4,943.00
Each additional hour over 33 hours of service, not
to exceed 49.5 hours at \$149.78/hour (\$7,414.00). |
| E. | Transfer station | \$5,242.00
Each additional hour over 35 hours of service, not
to exceed 52.5 hours at \$149.78/hour (\$7,863.00). |
| F. | Permanent MRW collection and storage
facility | \$7,339.00
Each additional hour over 49 hours of service, not
to exceed 73.5 hours at \$149.78/hour
(\$11,009.00). |
| G. | Material recovery and recycling facility | \$4,194.00
Each additional hour over 28 hours of service, not
to exceed 42 hours at \$149.78/hour (\$6,291.00). |
| H. | Energy recovery and incineration facility | \$4,194.00
Each additional hour over 28 hours of service, not
to exceed 42 hours at \$149.78/hour (\$6,291.00). |
| I. | Closed landfill site | \$4,793.00
Each additional hour over 32 hours of service, not
to exceed 48 hours at \$149.78/hour (\$7,189.00). |
| J. | Solid waste drop box | \$3,295.00
Each additional hour over 22 hours of service, not
to exceed 33 hours at \$149.78/hour (\$4,943.00). |
| K. | Land application | \$2,696.00
Each additional hour over 18 hours of service, not
exceed 27 hours at \$149.78/hour (\$4,044.00). |

L.	Collection/transportation vehicle	\$149.78
		per vehicle location plus \$20.00 for each vehicle.
M.	Biomedical waste transporter	\$448.00
		Each additional hour over 3 hours of service at \$149.78/hour.
N.	Other solid waste facility (includes biomedical waste storage/treatment sites)	\$1,797.00
		Each additional hour over 12 hours of service, not to exceed 18 hours at \$149.78/hour (\$2,696.00).
O.	Storage/treatment piles	\$2,696.00
		Each additional hour over 18 hours of service, not to exceed 27 hours at \$149.78/hour (\$4,044.00).
P.	Surface impoundments and tanks	\$3,295.00
		Each additional hour over 22 hours of service, not to exceed 33 hours at \$149.78/hour (\$4,943).
Q.	Review fees for facilities providing notification of exemption from solid waste handling permitting, or other reporting in accordance with Chapter 10.12 of this code:	
1.	Composting facilities	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Section 173-350-220(1)(b), for permit exemption requirements).
2.	Material recovery and recycling facilities	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Sections 173-350-210(2) and 173-350-310(2), for permit exemption requirements).
3.	Storage/treatment piles	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Section 173-350-320(1)(e), for permit exemption requirements).
4.	Energy recovery and incineration facilities	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Section 173-350-240(1)(c), for permit exemption requirements).
5.	Limited moderate risk waste facilities	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(3), for permit exemption requirements).
6.	Mobile systems and collection events:	
a.	Collection events	\$524.00
		Each additional hour over 3.5 hours at \$149.78/hour
b.	Mobile systems	\$1,648.00
		Each additional hour over 11 hours at \$149.78/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(2), for permit exemption requirements).

**Part 2 – Annual (New and Renewal) Operating Permit Fees.
Effective January 1, 2006 Through December 31, 2006.**

The permit fees for solid waste disposal sites, collection/transportation vehicles, biomedical waste transporters and biomedical waste storage/treatment sites subject to the fee requirements of Title 10 of this code shall be the annual fees set forth below:

A. Municipal landfill	\$157.27 base fee plus tonnage fee as cited in Section 2.14.040, as recodified by this rule.
B. Limited purpose landfill	\$6,291.00 Each additional hour over 40 hours of service, not to exceed 60 hours at \$157.27/hour (\$9,436.00).
C. Inert landfill	\$6,291.00 Each additional hour over 40 hours of service, not to exceed 60 hours at \$157.27/hour (\$9,436.00).
D. Compost facility:	
1. Yard debris facility	\$11,952.00 Each additional hour over 76 hours of service, not to exceed 114 hours at \$157.27/hour (\$17,929.00).
2. Facilities composting other feedstocks	\$5,190.00 Each additional hour over 33 hours of service, not to exceed 49.5 hours at \$157.27/hour (\$7,785.00).
E. Transfer station	\$5,504.00 Each additional hour over 35 hours of service, not to exceed 52.5 hours at \$157.27/hour (\$8,257.00).
F. Permanent MRW collection and storage facility	\$7,706.00 Each additional hour over 49 hours of service, not to exceed 73.5 hours at \$157.27/hour (\$11,559.00).
G. Material recovery and recycling facility	\$4,404.00 Each additional hour over 28 hours of service, not to exceed 42 hours at \$157.27/hour (\$6,605.00).
H. Energy recovery and incineration facility	\$4,404.00 Each additional hour over 28 hours of service, not to exceed 42 hours at \$157.27/hour (\$6,605.00).
I. Closed landfill site	\$5,033.00 Each additional hour over 32 hours of service, not to exceed 48 hours at \$157.27/hour (\$7,549.00).
J. Solid waste drop box	\$3,460.00 Each additional hour over 22 hours of service, not to exceed 33 hours at \$157.27/hour (\$5,190.00).
K. Land application	\$2,831.00 Each additional hour over 18 hours of service, not exceed 27 hours at \$157.27/hour (\$4,246.00).

L.	Collection/transportation vehicle	\$157.27 Per vehicle location plus \$20.00 for each vehicle.
M.	Biomedical waste transporter	\$472.00 Each additional hour over 3 hours of service at \$157.27/hour.
N.	Other solid waste facility (includes biomedical waste storage/treatment sites)	\$1,887.00 Each additional hour over 12 hours of service, not to exceed 18 hours at \$157.27/hour (\$2,831.00).
O.	Storage/treatment piles	\$2,831.00 Each additional hour over 18 hours of service, not to exceed 27 hours at \$157.27/hour (\$4,246.00).
P.	Surface impoundments and tanks	\$3,460.00 Each additional hour over 22 hours of service, not to exceed 33 hours at \$157.27/hour (\$5,190.00).
Q.	Review fees for facilities providing notification of exemption from solid waste handling permitting, or other reporting in accordance with Chapter 10.12 of this code:	
1.	Composting facilities	\$550.00 Each additional hour over 3.5 hours at \$157.27/hour (See Chapter 10.12 of this code, under WAC Section 173-350-220(1)(b), for permit exemption requirements).
2.	Material recovery and recycling facilities	\$550.00 Each additional hour over 3.5 hours at \$157.27/hour (See Chapter 10.12 of this code, under WAC Sections 173-350-210(2) and 173-350-310(2), for permit exemption requirements).
3.	Storage/treatment piles	\$550.00 Each additional hour over 3.5 hours at \$157.27/hour (See Chapter 10.12 of this code, under WAC Section 173-350-320(1)(e), for permit exemption requirements).
4.	Energy recovery and incineration facilities	\$550.00 Each additional hour over 3.5 hours at \$157.27/hour (See Chapter 10.12 of this code, under WAC Section 173-350-240(1)(c), for permit exemption requirements).
5.	Limited moderate risk waste facilities	\$550.00 Each additional hour over 3.5 hours at 157.27/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(3), for permit exemption requirements).

6. Mobile systems and collection events:
- a. Collection events
 - \$550.00
 - Each additional hour over 3.5 hours at \$157.27/hour.
 - b. Mobile systems and collection events
 - \$1,730.00
 - Each additional hour over 11 hours at \$157.27/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(2), for permit exemption requirements).

**Part 3 – Annual (New and Renewal) Operating Permit Fees.
Effective January 1, 2007 Through December 31, 2007.**

The permit fees for solid waste disposal sites, collection/transportation vehicles, biomedical waste transporters and biomedical waste storage/treatment sites subject to the fee requirements of Title 10 of this code shall be the annual fees set forth below:

- A. Municipal landfill
 - \$165.13 base fee plus tonnage fee as cited in Section 2.14.040, as recodified by this rule.
- B. Limited purpose landfill
 - \$6,605.00
 - Each additional hour over 40 hours of service, not to exceed 60 hours at \$165.13/hour (\$9,908.00).
- C. Inert landfill
 - \$6,605.00
 - Each additional hour over 40 hours of service, not to exceed 60 hours at \$165.13/hour (\$9,908.00).
- D. Compost facility:
 - 1. Yard debris facility
 - \$12,550.00
 - Each additional hour over 76 hours of service, not to exceed 114 hours at \$165.13/hour (\$18,825.00).
 - 2. Facilities composting other feedstocks
 - \$5,449.00
 - Each additional hour over 33 hours of service, not to exceed 49.5 hours at \$165.13/hour (\$8,174.00).
- E. Transfer station
 - \$5,780.00
 - Each additional hour over 35 hours of service, not to exceed 52.5 hours at \$165.13/hour (\$8,669.00).
- F. Permanent MRW collection and storage facility
 - \$8,091.00
 - Each additional hour over 49 hours of service, not to exceed 73.5 hours at \$165.13/hour (\$12,137.00).
- G. Material recovery and recycling facility
 - \$4,624.00
 - Each additional hour over 28 hours of service, not to exceed 42 hours at \$165.13/hour (\$6,936.00).

H. Energy recovery and incineration facility	\$4,624.00
	Each additional hour over 28 hours of service, not to exceed 42 hours at \$165.13/hour (\$6,936.00).
I. Closed landfill site	\$5,284.00
	Each additional hour over 32 hours of service, not to exceed 48 hours at \$165.13/hour (\$7,926.00).
J. Solid waste drop box	\$3,633.00
	Each additional hour over 22 hours of service, not to exceed 33 hours at \$165.13/hour (\$5,449.00).
K. Land application	\$2,972.00
	Each additional hour over 18 hours of service, not exceed 27 hours at \$165.13/hour (\$4,459.00).
L. Collection/transportation vehicle	\$165.13
	per vehicle location plus \$20.00 for each vehicle.
M. Biomedical waste transporter	\$495.00
	Each additional hour over 3 hours of service at \$165.13/hour.
N. Other solid waste facility (includes biomedical waste storage/treatment sites)	\$1,982.00
	Each additional hour over 12 hours of service, not to exceed 18 hours at \$165.13/hour (\$2,972.00).
O. Storage/treatment piles	\$2,972.00
	Each additional hour over 18 hours of service, not to exceed 27 hours at \$165.13/hour (\$4,459.00).
P. Surface impoundments and tanks	\$3,633.00
	Each additional hour over 22 hours of service, not to exceed 33 hours at \$165.13/hour (\$5,449.00).

- Q. Review fees for facilities providing notification of exemption from solid waste handling permitting, or other reporting in accordance with Chapter 10.12 of this code:
1. Composting facilities

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Section 173-350-220(1)(b), for permit exemption requirements).
 2. Material recovery and recycling facilities

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Sections 173-350-210(2) and 173-350-310(2), for permit exemption requirements).
 3. Storage/treatment piles

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Section 173-350-320(1)(e), for permit exemption requirements).
 4. Energy recovery and incineration facilities

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Section 173-350-240(1)(c), for permit exemption requirements).
 5. Limited moderate risk waste facilities

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(3), for permit exemption requirements).
 6. Mobile systems and collection events:
 - a. Collection events

	\$578.00
	Each additional hour over 3.5 hours at \$165.13/hour
 - b. Mobile systems

	\$1,816.00
	Each additional hour over 11 hours at \$165.13/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(2), for permit exemption requirements).

**Part 4 – Annual (New and Renewal) Operating Permit Fees.
Effective January 1, 2008, and Thereafter.**

The permit fees for solid waste disposal sites, collection/transportation vehicles, biomedical waste transporters and biomedical waste storage/treatment sites subject to the fee requirements of Title 10 of this code shall be the annual fees set forth below:

A. Municipal landfill	\$173.39 base fee plus tonnage fee as cited in Section 2.14.040, as recodified by this rule.
B. Limited purpose landfill	\$6,936.00 Each additional hour over 40 hours of service, not to exceed 60 hours at \$173.39/hour (\$10,403.00).
C. Inert landfill	\$6,936.00 Each additional hour over 40 hours of service, not to exceed 60 hours at \$173.39/hour (\$10,403.00).
D. Compost facility:	
1. Yard debris facility	\$13,178.00 Each additional hour over 76 hours of service, not to exceed 114 hours at \$173.39/hour (\$19,766.00).
2. Facilities composting other feedstocks	\$5,722.00 Each additional hour over 33 hours of service, not to exceed 49.5 hours at \$173.39/hour (\$8,583.00).
E. Transfer station	\$6,069.00 Each additional hour over 35 hours of service, not to exceed 52.5 hours at \$173.39/hour (\$9,103.00).
F. Permanent MRW collection and storage facility	\$8,496.00 Each additional hour over 49 hours of service, not to exceed 73.5 hours at \$173.39/hour (\$12,744.00).
G. Material recovery and recycling facility	\$4,855.00 Each additional hour over 28 hours of service, not to exceed 42 hours at \$173.39/hour (\$7,282.00).
H. Energy recovery and incineration facility	\$4,855.00 Each additional hour over 28 hours of service, not to exceed 42 hours at \$173.39/hour (\$7,282.00).
I. Closed landfill site	\$5,548.00 Each additional hour over 32 hours of service, not to exceed 48 hours at \$173.39/hour (\$8,323.00).
J. Solid waste drop box	\$3,815.00 Each additional hour over 22 hours of service, not to exceed 33 hours at \$173.39/hour (\$5,722.00).
K. Land application	\$3,121.00 Each additional hour over 18 hours of service, not exceed 27 hours at \$173.39/hour (\$4,682.00).

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- L. Collection/transportation vehicle \$173.39
per vehicle location plus \$20.00 for each vehicle.
- M. Biomedical waste transporter \$520.00
Each additional hour over 3 hours of service at \$173.39/hour.
- N. Other solid waste facility \$2,081.00
(includes biomedical waste storage/treatment sites) Each additional hour over 12 hours of service, not to exceed 18 hours at \$173.39/hour (\$3,121.00).
- O. Storage/treatment piles \$3,121.00
Each additional hour over 18 hours of service, not to exceed 27 hours at \$173.39/hour (\$4,682.00).
- P. Surface impoundments and tanks \$3,815.00
Each additional hour over 22 hours of service, not to exceed 33 hours at \$173.39/hour (\$5,722.00).
- Q. Review fees for facilities providing notification of exemption from solid waste handling permitting, or other reporting in accordance with Chapter 10.12 of this code:
 - 1. Composting facilities \$607.00
Each additional hour over 3.5 hours at \$173.39/hour (See Chapter 10.12 of this code, under WAC Section 173-350-220(1)(b), for permit exemption requirements).
 - 2. Material recovery and recycling facilities \$607.00
Each additional hour over 3.5 hours at \$173.39/hour (See Chapter 10.12 of this code, under WAC Sections 173-350-210(2) and 173-350-310(2), for permit exemption requirements).
 - 3. Storage/treatment piles \$607.00
Each additional hour over 3.5 hours at \$173.39/hour (See Chapter 10.12 of this code, under WAC Section 173-350-320(1)(e), for permit exemption requirements).
 - 4. Energy recovery and incineration facilities \$607.00
Each additional hour over 3.5 hours at \$173.39/hour (See Chapter 10.12 of this code, under WAC Section 173-350-240(1)(c), for permit exemption requirements).
 - 5. Limited moderate risk waste facilities \$607.00
Each additional hour over 3.5 hours at \$173.39/hour (See Chapter 10.12 of this code, under WAC Section 173-350-360(3), for permit exemption requirements).

6. Mobile systems and collection events:

a. Collection events

\$607.00

Each additional hour over 3.5 hours at
\$173.39/hour

b. Mobile systems

\$1,907.00

Each additional hour over 11 hours at
\$173.39/hour (See Chapter 10.12 of
this code, under WAC Section 173-
350-360(2), for permit exemption
requirements).

(R&R No. 05-05 §§ 55, 57, 58, 70, 71, 72, 73, 74, 75, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.030 Permit application – Plan review fees.**Part 1 – Permit Application & Plan Review Fees.
Effective Through December 31, 2005.**

Plan review fees are assessed at the rate of a base fee plus an hourly fee up to the actual cost of performing the work. Plans and specifications shall be accompanied by nonrefundable fee as follows:

Base fee (includes 4 hours of plan review time)	\$600.00
Every additional hour over 4 hours at \$149.78/hour	

**Part 2 – Permit Application & Plan Review Fees.
Effective January 1, 2006, Through December 31, 2006.**

Plan review fees are assessed at the rate of a base fee plus an hourly fee up to the actual cost of performing the work. Plans and specifications shall be accompanied by nonrefundable fee as follows:

Base fee (includes 4 hours of plan review time)	\$629.00
Every additional hour over 4 hours at \$157.27/hour	

**Part 3 – Permit Application & Plan Review Fees.
Effective January 1, 2007, Through December 31, 2007**

Plan review fees are assessed at the rate of a base fee plus an hourly fee up to the actual cost of performing the work. Plans and specifications shall be accompanied by nonrefundable fee as follows:

Base fee (includes 4 hours of plan review time)	\$660.00
Every additional hour over 4 hours at \$165.13/hour	

**Part 4 — Permit Application & Plan Review Fees.
Effective January 1, 2008, and Thereafter.**

Plan review fees are assessed at the rate of a base fee plus an hourly fee up to the actual cost of performing the work. Plans and specifications shall be accompanied by nonrefundable fee as follows:

Base fee (includes 4 hours of plan review time)	\$693.00
Every additional hour over 4 hours at \$173.39/hour	

(R&R No. 05-05 §§ 60, 59, 76, 77, 78, 79, 80, 81, 6-17-2005).

2.14.040 Tonnage and volume fees.

The operator shall forward to the health officer the following fee per ton of all solid waste entering a municipal landfill for disposal:

	Sites Without Scales	Sites With Scales
Landfills	N/A	48 cents/ton

(R&R No. 05-05 §§ 55, 61, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.050 Payment.

Prior to the fifteenth day of each month, all volume or tonnage fees for the previous month’s waste received are to be forwarded by the facility owner or operator to the health officer monthly with a form prescribed by the health officer. (R&R No. 05-05 §§ 55, 61, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.060 Special inspections.

Fees for inspection service requested by the solid waste disposal site, collection/transportation vehicle management, biomedical waste storage/treatment site or biomedical waste transporter, to be performed outside regular departmental working hours will be charged at a rate equal to the cost of performing the service. (R&R No. 05-05 §§ 55, 61, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.070 Solid waste variance fee.

Where the health officer is involved with official review and processing of requests for variance from these regulations, the health director may grant the same as long as the action will not impair public health and safety. The nonrefundable fee for review of a variance request will be charged at a rate equal to the cost of performing the service. (R&R No. 05-05 §§ 55, 62, 63, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.080 Special services — Authority.

The health officer is authorized to charge such fees as the health officer deems necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provisions of Title 10 of this code or their acceptability for use. (R&R No. 05-05 §§ 55, 64, 65, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.090 Special services — Terms and conditions.

The health officer or the health officer’s authorized representative shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall not exceed the actual cost of furnishing the services and materials. (R&R No. 05-05 §§ 55, 66, 67, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

2.14.100 Reexamination fee.

When plans and specifications that have been examined are altered and resubmitted, an additional fee for the reexamination of such plans shall be assessed at the current cost of plan review. Where a duplicate set of approved plans is submitted for examination and approval at any time after a permit has been issued on the original approved plans, a fee shall be charged at the current cost of plan review for such examination and approval. Where a complete redesign of a site is submitted after one design has been examined, a new review fee shall be charged in addition to the review fee for the first design. The examination of any further redesign shall be similarly charged. (R&R No. 05-05 §§ 55, 68, 69, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003).

Chapter 2.16
DIRECTOR REGULATED ACTIVITIES – TITLE 12
(WATER)

Sections:

2.16.010	Applicability.
2.16.020	Fees.

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2.16.010 Applicability.

The provisions of this chapter are applicable to activities regulated by the director pursuant to Title 12 of this code. (R&R No. 05-05 §§ 82, 83, 6-17-2005).

2.16.020 Fees.

**Part 1 – Fees Pertaining to Title 12.
Effective Through December 31, 2005.**

A. The board of health shall set and collect fees for the gathering, transportation, and analysis of chemical and bacteriological water samples and other such incidental services as might be required for the enforcement of Title 12 of this code.

B. Fee Schedule. The fees to carry out the program shall be in accordance with those set forth below:

Group B* [Explanatory Notes follow at the end of the table]

Well site inspection	\$ 479.00
Plan review	
Initial plan review	1,305.00
Extension of approval	90.00
Plan modification	300.00
Final inspection of new system	524.00
Return inspection	300.00
Office conference	\$149.78 plus \$149.78/hour after one hour
Sample collection and analysis	\$180.00 plus lab fee
Designer certification	
Certification of competency	255.00
Examination	300.00
Review board appeal	1,050.00
Comprehensive system evaluation	660.00
Office file review/report on Group B	300.00
Database initial setup fee for new systems	60.00
Database maintenance fee	
Lab	\$15.00 per sample**

*As defined in Section 12.04.030 of this code.

**When analyzed at the SKCDPH lab, this fee will be added to the routine bacterial test fee for Group B systems.

**Part 2 – Fees Pertaining to Title 12.
Effective January 1, 2006, Through December 31, 2006.**

A. The board of health shall set and collect fees for the gathering, transportation, and analysis of chemical and bacteriological water samples and other such incidental services as might be required for the enforcement of Title 12 of this code.

B. Fee Schedule. The fees to carry out the program shall be in accordance with those set forth below:

Group B* [Explanatory Notes follow at the end of the table]

Well site inspection	\$503.00
Plan review	
Initial plan review	1,370.00
Extension of approval	94.00
Plan modification	315.00
Final inspection of new system	550.00
Return inspection	315.00
Office conference	\$157.27 plus \$157.27/hour after one hour
Sample collection and analysis	\$189.00 plus lab fee
Designer certification	
Certificate of competency	267.00
Examination	315.00
Review board appeal	1,102.00
Comprehensive system evaluation	693.00
Office file review/report on Group B	315.00
Database initial setup fee for new systems	60.00
Database maintenance fee	
Lab	\$15.00 per sample**

*As defined in Section 12.04.030 of this code.

**When analyzed at the SKCDPH lab, this fee will be added to the routine bacterial test fee for Group B systems.

**Part 3 – Fees Pertaining to Title 12.
Effective January 1, 2007, Through December 31, 2007**

A. The board of health shall set and collect fees for the gathering, transportation, and analysis of chemical and bacteriological water samples and other such incidental services as might be required for the enforcement of Title 12 of this code.

B. Fee Schedule. The fees to carry out the program shall be in accordance with those set forth below:

Group B* [Explanatory Notes follow at the end of the table]

Well site inspection	\$528.00
Plan review	
Initial plan review	1,438.00
Extension of approval	99.00
Plan modification	330.00
Final inspection of new system	578.00
Return inspection	330.00
Office conference	\$165.13 plus \$165.13/hour after one hour
Sample collection and analysis	\$198.00 plus lab fee
Designer certification	
Certificate of competency	281.00
Examination	330.00
Review board appeal	1,158.00
Comprehensive system evaluation	727.00
Office file review/report on Group B	330.00
Database initial setup fee for new systems	60.00
Database maintenance fee	
Lab	\$15.00 per sample **

*As defined in Section 12.04.030 of this code.

**When analyzed at the SKCDPH lab, this fee will be added to the routine bacterial test fee for Group B systems.

**Part 4 – Fees Pertaining to Title 12.
Effective January 1, 2008, and Thereafter.**

A. The board of health shall set and collect fees for the gathering, transportation, and analysis of chemical and bacteriological water samples and other such incidental services as might be required for the enforcement of Title 12 of this code.

B. Fee Schedule. The fees to carry out the program shall be in accordance with those set forth below:

Group B* [Explanatory Notes follow at the end of the table]

Well site inspection	\$555.00
Plan review	
Initial plan review	1,510.00
Extension of approval	104.00
Plan modification	347.00
Final inspection of new system	607.00
Return inspection	347.00
Office conference	\$173.39 plus \$173.39/hour after one hour
Sample collection and analysis	\$208.00 plus lab fee
Designer certification	
Certificate of competency	295.00
Examination	347.00
Review board appeal	1,215.00
Comprehensive system evaluation	764.00
Office file review/report on Group B	347.00
Database initial setup fee for new systems	60.00
Database maintenance fee	
Lab	\$15.00 per sample**

*As defined in Section 12.04.030 of this code.

**When analyzed at the SKCDPH lab, this fee will be added to the routine bacterial test fee for Group B systems.

(R&R No. 05-05 §§ 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 6-17-2005; R&R No. 04-02 1, 7-6-2004; R&R No. 99-09 §1, 11-19-99; R&R No. 99-04 §1, 10-15-99; R&R No. 1 §2, 6-21-96; R&R No. 94 §1, 12-14-93; R&R No. 88 §1, 12-16-92; R&R No. 53 §1(part), 12-1-89)
Chapter 2.18

Chapter 2.18
DIRECTOR REGULATED ACTIVITIES – TITLE 13
(ON-SITE SEWAGE)

Sections:

- 2.18.010 Applicability.
- 2.18.020 Fee schedule.
- 2.18.030 Inspection fees outside departmental hours (hourly rate).
- 2.18.040 Special service fees.

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2.18.010 Applicability.

The provisions of this chapter are applicable to activities regulated by the director pursuant to Title 13 of this code. (R&R No. 05-05 §§ 92, 93, 6-17-2005).

2.18.020 Fee schedule. Persons shall pay permit fees, application review fees, reinspection fees, monitoring report filing fees, variance request fees, special service fees and miscellaneous fees under Title 13 of this code as set forth in the fee schedule below:

1.	OSS construction permit fee	
a.	single-family, new pressurized	\$772.00
b.	single-family, new gravity	665.00
c.	single-family, repair or modification	596.00
d.	single-family, limited repair	212.00
e.	non-single-family	1,035.00
f.	delinquent submittal of record drawing	347.00
2.	On-site system maintainer certificate of competency fee	
a.	Issued July 1st or before	\$277.00
b.	Issued after July 1st	139.00
c.	Maintainer competency examination	277.00
3.	Master installer certificate of competency fee	
a.	Issued July 1st or before	\$277.00
b.	Issued after July 1st	139.00
c.	Master installer competency examination	277.00
4.	Associate installer certificate of competency fee	
a.	Initial and renewal certificate	\$104.00
b.	Associate installer competency examination	173.00
5.	Pumper certificate of competency fee	
a.	Business owner	\$208.00
b.	OSS pumper employee	104.00
c.	Vehicle inspection tab	\$87.00/vehicle
d.	Pumper competency examination	\$173.00
6.	Site design application review fee	
a.	Gravity system, new	\$442.00
b.	Pressurized system, new	749.00
c.	Revision review	\$173.39 base fee plus \$173.39/hour after one hour
7.	Community and large on-site systems review fees	
a.	Preliminary engineering report, new and replacement	\$659.00
b.	Plans and specifications, new	763.00
c.	Plans and specifications, repaired and replacement	520.00
d.	Management agreement review	243.00
8.	Subdivision review fees	
a.	Pre-application review	\$696.00 + \$115.00/lot
b.	Final application review	\$1,214.00.00 + \$175.00/lot
9.	Sewage review committee fees	
a.	Appeal review	\$1,279.00
b.	Refunds, non refundable amount	75.00

10.	Miscellaneous fees	
a.	Building remodel review	\$451.00
b.	Wastewater tank manufacturers standards review	\$173.39 base fee plus \$173.39/hour after one hour
c.	OSS maintainer's maintenance and performance monitoring inspection report filing:	
	(1) Periodic maintenance and performance monitoring	\$25.00
	(2) Monitoring and performance inspection prior to transfer of title to property	\$95.00
d.	Alternative, community, commercial system monitoring by the health officer	\$173.00
e.	Review of new proprietary device, method or product	actual cost
f.	Disciplinary/performance review conference for certificate of competency holder	\$173.00
g.	Reinstatement of certificate after suspension	applicable certificate fee
h.	Reinspection fee	actual cost/\$173.00 minimum
i.	Change of designer of record	\$173.00
j.	Replacement private well/spring location review	225.00
k.	Watertable monitoring plan review	734.00
l.	OSS operation and maintenance program fee due from buyer or transferee of a property served by OSS at time of sale or transfer of property ownership	40.00
m.	Report on the condition of an individual private, non-public well	366.00
n.	Report on the condition of an OSS	366.00
o.	Report on the condition of an OSS and an individual private, non-public well on the same premises	522.00
p.	Annual product development permit	actual cost of review of permit application, permit issuance and monitoring of product performance data

(R&R No. 08-03 § 151, 2008: R&R No. 05-05 §§ 93, 94, 95, 98, 99, 100, 101, 102, 103, 6-17-2005: R&R No. 04-03 § 2, 7-6-2004: R&R No. 02-02 § 1, 11-15-2002: R&R 02-01 § 2, 5-17-2002: R&R No. 99-08 §1, 11-19-99: R&R No. 99-03 §1, 10-15-99: R&R No. 99-01 § 2 (part), 3-19-99)

2.18.030 Inspection fees outside departmental hours (hourly rate). The health officer is authorized to charge fees for inspection service requested to be performed outside regular departmental working hours at a rate equal to the cost of performing the service. (R&R No. 05-05 §§ 93, 96, 6-17-2005: R&R No. 99-01 § 2 (part), 3-19-99).

2.18.040 Special service fees. The health officer may determine and charge such fees deemed necessary for furnishing special services or materials requested by the public that are not originally provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

A. Special site and/or OSS examination.

B. Examination, testing, or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provision of the title or their acceptability for use. The health officer and his or her authorized representative shall have full authority to specify the terms and conditions upon which such service and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to county cost for furnishing said services and materials. (R&R No. 05-05 §§ 93, 97, 6-17-2005: R&R No. 99-01 § 2 (part), 3-19-99).

Chapter 2.20
DIRECTOR REGULATED ACTIVITIES – TITLE 14
(SWIMMING AND SPA POOLS)

Sections:

- 2.20.010 Applicability.
- 2.20.020 Permit fees.

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2.20.010 Applicability. The provisions of this chapter are applicable to activities regulated by the director pursuant to Chapters 246-260 or 246-262 WAC, or Title 14 of this code. (R&R No. 05-05 §§ 104, 105, 6-17-2005)

2.20.020 Permit fees.

**Part 1 — Permit Fee Schedule.
Effective Through December 31, 2005.**

Every applicant for a permit to do work under Chapters 246-260 or 246-262 WAC or Title 14 of this code shall pay for each permit, at time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in this schedule.

A. Schedule of Fees.

- | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. | New water recreation facility construction permit and plan review fees.
for permit, preoccupancy inspection and consultation costs, payable at the time of application, plus \$149.78 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$300.00 base fee |
| 2. | Renovation or alteration of water recreation facility (including changes in equipment, piping, barriers, walking surfaces, pool appurtenances, filtration equipment, mechanical equipment, or pool structure.
for preoccupancy inspection and consultation costs, payable at the time of application, plus \$149.78 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$300.00 base fee |
| 3. | Plan resubmittal.
for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$149.78 per hour |
| 4. | Preoccupancy inspection subsequent to the initial preoccupancy inspection.
plus \$149.78 per hour after the first two hours. | \$300.00 base fee |
| 5. | Operating permit.
Water recreation facility (WRF) | \$430.00 |
| | Additional WRF operated by same person at same location | \$370.00 |
| 6. | Miscellaneous fees.
After hours inspection requested by water recreation facility owner | Cost of service. |
| | Reinspection fee | One-half the applicable annual permit fee. |
| | Reinstatement of permit after suspension | Applicable annual permit fee. |
| | Variance review fee | \$300.00 base fee plus \$149.78 per hour after the first two hours. |
| | Other examinations, testing, plan review or inspection services | Cost of service. |

B. The fee for any initial permit to be issued under this chapter shall be due and payable on or before the commencement date of the operation subject to such permit. The annual permit fee shall be due on and payable on June 1st and delinquent June 10th, regardless of the dates of operation of the pool. The fee for the initial permit to operate a new pool shall be one-half the annual fee if such permit is obtained after November 30th.

C. Any person who commenced any work for which a permit is required by this code without first having obtained such permit, shall upon subsequent application for such permit pay an amount equal to one and one-half of the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the health officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.

**Part 2 — Permit Fee Schedule.
Effective January 1, 2006, Through December 31, 2006.**

Every applicant for a permit to do work under Chapters 246-260 or 246-262 WAC or Title 14 of this code shall pay for each permit, at time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in this schedule.

A. Schedule of Fees.

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1. New water recreation facility construction permit and plan review fees
for permit, preoccupancy inspection and consultation costs, payable at the time of application, plus \$157.27 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$315.00 base fee |
| 2. Renovation or alteration of water recreation facility (including changes in equipment, piping, barriers, walking surfaces, pool appurtenances, filtration equipment, mechanical equipment, or pool structure
for preoccupancy inspection and consultation costs, payable at the time of application, plus \$157.27 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$315.00 base fee |
| 3. Plan resubmittal
for the actual time spent reviewing plans and specifications, payable at the time of final approval. | \$157.27 per hour |
| 4. Preoccupancy inspection subsequent to the initial preoccupancy inspection | \$315.00 base fee plus
\$157.27 per hour after
the first two hours |
| 5. Operating permit.
Water recreation facility (WRF) | \$451.00 |
| Additional WRF operated by same person at same location | \$388.00 |
| 6. Miscellaneous fees.
After hours inspection requested by water recreation facility owner | Cost of service. |
| Reinspection fee | One-half the applicable
annual permit fee. |
| Reinstatement of permit after suspension | Applicable annual
permit fee. |
| Variance review fee | \$315.00 base fee plus
\$157.27 per hour after
the first two hours. |
| Other examinations, testing, plan review or inspection services | Cost of service. |

B. The fee for any initial permit to be issued under this chapter shall be due and payable on or before the commencement date of the operation subject to such permit. The annual permit fee shall be due on and payable on June 1st and delinquent June 10th, regardless of the dates of operation of the pool. The fee for the initial permit to operate a new pool shall be one-half the annual fee if such permit is obtained after November 30th.

C. Any person who commenced any work for which a permit is required by this code without first having obtained such permit, shall upon subsequent application for such permit pay an amount equal to one and one-half of the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the health officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.

Part 3 — Permit Fee Schedule.
Effective January 1, 2007, Through December 31, 2007.

Every applicant for a permit to do work under Chapters 246-260 or 246-262 WAC or Title 14 of this code shall pay for each permit, at time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in this schedule.

A. Schedule of Fees.

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. New water recreation facility construction permit and plan review fees. | \$330.00 base fee |
| | for permit, preoccupancy inspection and consultation costs, payable at the time of application, plus \$165.13 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. |
| 2. Renovation or alteration of water recreation facility (including changes in equipment, piping, barriers, walking surfaces, pool appurtenances, filtration equipment, mechanical equipment, or pool structure. | \$330.00 base fee |
| | for preoccupancy inspection and consultation costs, payable at the time of application, plus \$165.13 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. |
| 3. Plan resubmittal. | \$165.13 per hour |
| | for the actual time spent reviewing plans and specifications, payable at the time of final approval. |
| 4. Preoccupancy inspection subsequent to the initial preoccupancy inspection. | \$330.00 base fee |
| | plus \$165.13 per hour after the first two hours. |
| 5. Operating permit. | |
| Water recreation facility (WRF) | \$474.00 |
| Additional WRF operated by same person at same location | \$408.00 |
| 6. Miscellaneous fees. | |
| After hours inspection requested by water recreation facility owner | Cost of service. |
| Reinspection fee | One-half the applicable annual permit fee. |
| Reinstatement of permit after suspension | Applicable annual permit fee. |
| Variance review fee | \$330.00 base fee plus \$165.13 per hour after the first two hours. |
| Other examinations, testing, plan review or inspection services | Cost of service. |

B. The fee for any initial permit to be issued under this chapter shall be due and payable on or before the commencement date of the operation subject to such permit. The annual permit fee shall be due on and payable on June 1st and delinquent June 10th, regardless of the dates of operation of the pool. The fee for the initial permit to operate a new pool shall be one-half the annual fee if such permit is obtained after November 30th.

C. Any person who commenced any work for which a permit is required by this code without first having obtained such permit, shall upon subsequent application for such permit pay an amount equal to one and one-half of the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the health officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.

**Part 4 — Permit Fee Schedule.
Effective January 1, 2008, and Thereafter.**

Every applicant for a permit to do work under Chapters 246-260 or 246-262 WAC or Title 14 of this code shall pay for each permit, at time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown in this schedule.

A. Schedule of Fees.

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. | New water recreation facility construction permit and plan review fees. | \$346.00 base fee |
| | for permit, preoccupancy inspection and consultation costs, payable at the time of application, plus \$173.39 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | |
| 2. | Renovation or alteration of water recreation facility (including changes in equipment, piping, barriers, walking surfaces, pool appurtenances, filtration equipment, mechanical equipment, or pool structure. | \$346.00 base fee |
| | for preoccupancy inspection and consultation costs, payable at the time of application, plus \$173.39 per hour after the first two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval. | |
| 3. | Plan resubmittal. | \$173.39 per hour |
| | for the actual time spent reviewing plans and specifications, payable at the time of final approval. | |
| 4. | Preoccupancy inspection subsequent to the initial preoccupancy inspection. | \$346.00 base fee |
| | plus \$173.39 per hour after the first two hours. | |
| 5. | Operating permit. | |
| | Water recreation facility (WRF) | \$498.00 |
| | Additional WRF operated by same person at same location | \$428.00 |
| 6. | Miscellaneous fees. | |
| | After hours inspection requested by water recreation facility owner | Cost of service. |
| | Reinspection fee | One-half the applicable annual permit fee. |
| | Reinstatement of permit after suspension | Applicable annual permit fee. |
| | Variance review fee | \$346.00 base fee plus \$173.39 per hour after the first two hours. |
| | Other examinations, testing, plan review or inspection services | Cost of service. |

B. The fee for any initial permit to be issued under this chapter shall be due and payable on or before the commencement date of the operation subject to such permit. The annual permit fee shall be due on and payable on June 1st and delinquent June 10th, regardless of the dates of operation of the pool. The fee for the initial permit to operate a new pool shall be one-half the annual fee if such permit is obtained after November 30th.

C. Any person who commenced any work for which a permit is required by this code without first having obtained such permit, shall upon subsequent application for such permit pay an amount equal to one and one-half of the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the health officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section. (R&R No. 05-05 §§ 104, 106, 107, 108, 109, 110, 111, 112, 113, 6-17-2005: R&R No. 02-03 § 1, 11-15-2002: R&R No. 01-03 §1, 12-7-2001: R&R No. 99-10 §2(part), 11-19-99: R&R No. 95 §1, 12-14-93: R&R No. 90 §1, 12-16-92; R&R No. 60 §1, 12-18-90: R&R No. 58 §1(part), 5-11-89).

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Chapter 2.22
DIRECTOR REGULATED ACTIVITIES – TITLE 15
(SCHOOLS)

Sections:

- 2.22.010 Applicability.
- 2.22.020 Plan review fees.
- 2.22.030 Inspection fees.

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2.22.010 Applicability. The provisions of this chapter are applicable to activities regulated by the director pursuant to Chapter 246-366 WAC or Title 15 of this code, and include elementary or grade schools, middle or junior high schools, and high schools. (R&R No. 05-05 §§ 114, 115, 6-17-2005).

2.22.020 Plan review fees.

**Part 1 — Plan Review Fees.
Effective Through December 31, 2005.**

The fee for review of plans and specifications shall be:

New School Construction	\$300.00 base fee for preoccupancy inspection and consultation costs, payable at the time of application, plus \$149.78 per hour after two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval
School Remodel or Renovation	\$300.00 base fee for inspection and consultation costs, payable at the time of application, plus \$149.78 per hour after two hours for the actual time spent reviewing plans and specifications, preoccupancy inspection and consultation costs, payable at the time of final approval

**Part 2 — Plan Review Fees.
Effective January 1, 2006 Through December 31, 2006.**

The fee for review of plans and specifications shall be:

New School Construction	\$315.00 base fee for preoccupancy inspection and consultation costs, payable at the time of application, plus \$157.27 per hour after two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval
School Remodel or Renovation	\$315.00 base fee for inspection and consultation costs, payable at the time of application, plus \$157.27 per hour after two hours for the actual time spent reviewing plans and specifications, preoccupancy inspection and consultation costs, payable at the time of final approval

**Part 3 — Plan Review Fees.
Effective January 1, 2007 Through December 31, 200.**

The fee for review of plans and specifications shall be:

New School Construction	\$330.00 base fee for preoccupancy inspection and consultation costs, payable at the time of application, plus \$165.13 per hour after two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval
School Remodel or Renovation	\$330.00 base fee for inspection and consultation costs, payable at the time of application, plus \$165.13 per hour after two hours for the actual time spent reviewing plans and specifications, preoccupancy inspection and consultation costs, payable at the time of final approval

**Part 4 — Plan Review Fees.
Effective January 1, 2008, and Thereafter.**

The fee for review of plans and specifications shall be:

New School Construction	\$346.00 base fee for preoccupancy inspection and consultation costs, payable at the time of application, plus \$173.39 per hour after two hours for the actual time spent reviewing plans and specifications, payable at the time of final approval
School Remodel or Renovation	\$346.00 base fee for inspection and consultation costs, payable at the time of application, plus \$173.39 per hour after two hours for the actual time spent reviewing plans and specifications, preoccupancy inspection and consultation costs, payable at the time of final approval

(R&R No. 05-05 §§ 114, 116, 117, 118, 119, 120, 121, 122, 123, 6-17-2005; R&R No. 03-03 § 2, 3-21-2003; R&R No. 93 § 1, 12-14-93; R&R No. 50 § 1, 12-1-89; R&R No. 20 § 1(1), 12-1-81).

2.22.030 Inspection fees.

**Part 1 — Inspection Fees.
Effective Through December 31, 2005.**

Periodic inspection, when requested by the school authority	\$300.00 base fee plus \$149.78 per hour after two hours
Preoccupancy inspection subsequent to the final inspection	\$300.00 base fee plus \$149.78 per hour after two hours
Other inspection services, when requested by the school authority	Cost of service

**Part 2 — Inspection Fees.
Effective January 1, 2006, Through December 31, 2006.**

Periodic inspection, when requested by the school authority	\$315.00 base fee plus \$157.27 per hour after two hours
Preoccupancy inspection subsequent to the final inspection	\$315.00 base fee plus \$157.27 per hour after two hours
Other inspection services, when requested by the school authority	Cost of service

**Part 3 — Inspection Fees.
Effective January 1, 2007, Through December 31, 2007**

Periodic inspection, when requested by the school authority	\$330.00 base fee plus \$165.13 per hour after two hours
Preoccupancy inspection subsequent to the final inspection	\$330.00 base fee plus \$165.13 per hour after two hours
Other inspection services, when requested by the school authority	Cost of service

**Part 4 — Inspection Fees.
Effective January 1, 2008, and Thereafter.**

Periodic inspection, when requested by the school authority	\$346.00 base fee plus \$173.39 per hour after two hours
Preoccupancy inspection subsequent to the final inspection	\$346.00 base fee plus \$173.39 per hour after two hours
Other inspection services, when requested by the school authority	Cost of service

(R&R No. 05-05 §§ 114, 124, 125, 126, 127, 128, 129, 130, 131, 6-17-2005: R&R No. 03-03 § 3, 4-20-2003: R&R No. 50 § 2, 12-1-89: R&R No. 20 § 1(2), 12-1-81).

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Title 3PERSONAL HEALTH SERVICES--FEES AND CHARGES*Chapters:

- 3.04 Fees
- 3.08 Sales of Drugs and Supplies
- 3.12 Donations for Services

Chapter 3.04FEESSections:

- 3.04.010 Personal health service programs.
- 3.04.020 Authority to waive fees.
- 3.04.030 Third-party payors.
- 3.04.040 Reduced fees.
- 3.04.050 Annual review and adjustments of fees.

3.04.010 Personal health service programs.

To provide for a portion of the costs to the health department for the provision of services associated with personal health care, which includes, but is not limited to, maternal and child health programs, laboratory services, sexually transmitted disease, tuberculosis or other communicable disease clinics, refugee health, dental services, family planning programs, other primary care programs and treatment for diseases related to the public health of the county, immunizations, pharmaceuticals and other personal health supplies, the director of public health is authorized to set, charge and collect fees according to the following guidelines, except where the imposition of such fees is prohibited by federal or state law, or is inconsistent with the terms of an agreement between the health department and a third party or grantor:

A. Method for Setting Full Fees for Personal Health Services.

* **Editor's Note:** This title codifies fees and charges except those relating to environmental health.

1. Fees for personal health services provided during personal health visits shall be set at the lesser of the full cost for providing the service or the median of nondiscounted personal health service fees charged by healthcare providers in the Seattle metropolitan area, rounded to the nearest dollar, and shall be set by the director of public health in accordance with state and federal guidelines.

2. Fees for immunizations, including travel immunizations, shall be set in amounts equal to or less than the full cost of the vaccine plus an administration fee per dose of vaccine.

a. The administration fee for immunizations provided using vaccine funded through the state Vaccines for Children Program shall be set at the maximum allowed by the Washington State Department of Health.

b. For all other immunizations, including travel immunizations, the administration fee shall not be set higher than the full cost of providing immunization services.

3. Fees for pharmaceuticals and supplies shall be set to cover the full costs of the medication or supplies and the full costs of procuring, storing, distributing and dispensing the medications or supplies and the costs of client education and counseling by pharmacists, as applicable.

4. Fees for laboratory services and administration of purified protein derivative ("PPD") tests shall cover either the full costs of administering the PPD test or providing the laboratory services in the department or the full cost of purchasing the laboratory services through a laboratory contracted with the department, or both.

(R&R No. 05-09 §1, 12-9-2005: R&R No. 99-02 §2(part), 10-15-99: R&R No. 99 §1, 12-14-93: R&R No. 74 §1, 12-11-91: R&R No. 65 §1, 12-18-90: R&R No. 51 §1, 12-1-89: R&R No. 43 §1, 12-15-88: R&R No. 35 amdt. §1, 12-19-86: R&R No. 35 amdt. §1, 12-6-85: R&R No. 35 §1, 12-8-82)

3.04.020 Authority to waive fees.

A. The director of public health is authorized to waive fees for health services that are necessary to avert or control an emergency public health problem or to control a communicable disease.

B. A person shall not be denied clinically necessary care or services due to an inability of the person to pay.
(R&R No. 05-09 §2, 12-9-2005)

3.04.030 Third-party payors.

A. Before charging clients fees, the director of public health will make all reasonable efforts to identify potential third-party payors, including Medicare, Medicaid, the Basic Health Plan, managed care plans and other third-party payors.

B. Third-party payors that have contracts with the public health department for the provision of personal health services shall be charged for services according to the terms of the contract between the payor and the department or as dictated by federal or state law.

C. The director of public health may charge full fees to all clients whose commercial insurance or managed care plan either does not have a contract with the department or will not reimburse the department for the covered services provided to the client, or both.

(R&R No. 05-09 §3, 12-9-2005)

3.04.040 Reduced fees.

A. Sliding Fee Scale for Low Income Clients. For low income clients without applicable third-party coverage for the services they have received, the director of public health is authorized to charge and collect a reduced fee for personal health services, laboratory tests, pharmaceuticals or supplies according to the following schedule. The sliding scale reduces fees based on the client's household income and family size, as determined and revised annually by the United States Community Services Administration ("CSA") Poverty Guidelines.

Category	Gross Income	Fee
A	Equal to or less than 100% CSA Poverty Guidelines	No charge.
B	101% to 150% CSA Poverty Guidelines	25% of full fee.
C	151% to 200% CSA Poverty Guidelines	50% of full fee.
D	201% to 250% CSA Poverty Guidelines	75% of full fee.
E	Over 250% CSA Poverty Guidelines	Full fee.

The sliding scale does not apply to:

1. Travel immunizations or other travel health services;
2. Copayments for services otherwise covered by the client's health plan; or

3. Services where the director of public health has determined a minimum fee will be charged.

B. Minimum fees for personal health services, including, but not limited to, personal health visits with providers, pharmaceuticals, laboratory tests and supplies, may be established and charged at the discretion of the director of public health.

1. The director of public health is authorized to charge minimum fees to clients and for services where such charges:

a. are not prohibited by federal or state regulation;

b. are not prohibited by the terms of contracts held between the department and third party payors; and

c. are administratively feasible.

2. Method of establishing minimum fees: Minimum fees will reflect practices and rates used by other federally qualified health centers in Seattle and King County. (R&R No. 05-09 §4, 12-9-2005)

3.04.050 Annual review and adjustments of fees.

The director of public health is directed and authorized to review and annually adjust fees to reflect changes in the cost to the department of providing services and to reflect changes in the median of fees charged by providers in the Seattle metropolitan area, except that fees may not be adjusted to be greater than either the full costs to the department to either acquire or provide, or both, the services or supplies or the median fees for personal health services charged by providers in the Seattle metropolitan area.. The director of public health shall adjust full fees and minimum fees for pharmaceuticals, supplies and vaccines when the department's acquisition costs for pharmaceuticals, supplies and vaccines change.

(R&R No. 05-09 §5 (part), 12-9-2005)

Chapter 3.08

SALES OF DRUGS AND SUPPLIES

Sections:

3.08.010 Sales to nonprofit community clinics,
other health departments and districts.

3.08.010 Sales to nonprofit community clinics, other
health departments and districts.

To assist nonprofit community clinics, health departments and districts in obtaining drugs and supplies, the director of public health shall set, charge and collect fees that reflect the full acquisition costs for the pharmaceuticals to the department and the full costs for handling the pharmaceuticals including procurement, storage, inventory management and distribution. The director of public health is authorized to adjust the fees for pharmaceuticals sold to the non-profit community clinics, other health departments or districts whenever the acquisition costs to the department change, and to adjust the handling fees annually.

(R&R No. 05-09 § 5(part), 12-9-2005: R&R No. 99-02 §2(part), 10-15-99: R&R No. 37 §1, 6-22-84)

Chapter 3.12

DONATIONS FOR SERVICES

Sections:

3.12.010 Authority to accept donations for
services.

3.12.010 Authority to accept donations for services.

The director of public health is authorized and directed to accept monetary donations for provision of personal health services in order to recover a portion of the department's costs.

(R&R No. 99-02 §2(part), 10-15-99: R&R No. 19 §1, 6-5-81)

Title 4

HEALTH CARE INFORMATION DISCLOSURE

Chapters:

- 4.04 General Provisions
- 4.08 Definitions
- 4.12 General

Chapter 4.04

GENERAL PROVISIONS

Sections:

4.04.010 Purpose and intent.

4.04.010 Purpose and intent. A. It is the express purpose of this title to preserve, promote, improve, and protect the public health of the people of the county within the jurisdiction of the board of health by requiring health care providers and facilities to disclose health care information maintained on their patients at the request of the department of public health when it is needed to conduct surveillance or investigation of a disease or condition deemed potentially threatening to the community health.

B. It is the specific intent of this title to place the obligation of complying with its requirements upon any health care provider and/or health care facility whose health care practice is located within the jurisdiction of the King County board of health. (R&R 72 §1(part), 9-17-91)

Chapter 4.08

DEFINITIONS

Sections:

- 4.08.010 Director.
- 4.08.020 Health care.
- 4.08.030 Health care facility.
- 4.08.040 Health care information.
- 4.08.050 Health care provider.

- 4.08.060 Infant death.
- 4.08.070 Maintain.
- 4.08.080 Patient.

4.08.010 Director. "Director" means the director of the Seattle-King County department of public health. (R&R 72 §1(part), 9-17-91)

4.08.020 Health care. "Health care" means any care, service, or procedure provided by a health care provider:

- A. To diagnose, treat, or maintain a patient's physical or mental condition; or
- B. That affects the structure or any function of the human body. (R&R 72 §1(part), 9-17-91)

4.08.030 Health care facility. "Health care facility" means a hospital, clinic, nursing home, laboratory, diagnostic imaging facility, office, or similar place where a health care provider provides health care to patients. (R&R 72 §1(part), 9-17-91)

4.08.040 Health care information. "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information. (R&R 72 §1(part), 9-17-91)

4.08.050 Health care provider. "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession. (R&R 72 §1(part), 9-17-91)

4.08.060 Infant death. "Infant death" means any death of a liveborn child which occurs no later than twelve months after the child's birth. (R&R 72 §1(part), 9-17-91)

4.08.070 Maintain. "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information. (R&R 72 §1(part), 9-17-91)

4.08.080 Patient. "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care. (R&R 72 §1(part), 9-17-91)

Chapter 4.12GENERALSections:

- 4.12.010 Disclosable records.
- 4.12.020 Security requirements.
- 4.12.030 Retention of disclosed records.

4.12.010 Disclosable records. A. Upon receipt of a written request from the director or his/her designee, a health care provider and/or a health care facility shall disclose any health care information maintained on a patient which relates to or is identified with the following public health problem: infant death.

B. Disclosure of said health care information shall comply with the requirements set forth in Section 204 (2) (a) of Substitute House Bill 1828 of the 52nd Legislature of the State of Washington.

C. Health care providers and health care facilities shall provide access to the health care information requested by the director or his/her designee as promptly as required under the circumstances, but no later than fifteen working days after receipt of the request. (R&R 72 §1(part), 9-17-91)

4.12.020 Security requirements. A. All health care information disclosed to the Director or his/her designee shall be maintained under conditions of strict confidentiality.

B. All health care information regarding infant death that is obtained by the director or his/her designee pursuant to Title 4 of these regulations shall be assigned code numbers or identifiers in place of patient names. Patient identifier information shall be stored in a secure location in locked file cabinets. Computerized patient identifier information shall be password-protected. The director or his/her designee shall determine who shall have access to the infant death health care information and patient identifiers. (R&R 72 §1(part), 9-17-91)

4.12.030 Retention of disclosed records. All health care information records obtained by the director or his/her designee pursuant to Title 4 of these regulations shall be maintained therein for a period not less than two years. (R&R 72 §1(part), 9-17-91)

**Title 5
FOOD ESTABLISHMENTS***

Chapters:

- 5.02 General Provisions**
- 5.04 Definitions**
- 5.10 Public Health Labeling and Regulation**
- 5.20 Equipment and Utensils**
- 5.26 Sanitary Facilities and Controls**
- 5.34 Mobile Food Vehicles**
- 5.42 Temporary Food Establishments**
- 5.50 Permits Required**
- 5.52 (Reserved)**
- 5.60 Permit Suspension, Revocation and Compliance Methods**
- 5.64 Food Establishment Risk**

*Editor's Note: For administrative rules relevant to this title, look for a following "R" title of the same number.

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Chapter 5.02
GENERAL PROVISIONS

Sections:

- 5.02.010 Short title.
- 5.02.020 Purpose and policy.
- 5.02.025 Applicability – State food regulations adopted.
- 5.02.030 Enforcement authority.
- 5.02.040 Authority to promulgate rules.
- 5.02.050 Construction.

5.02.010 Short title. The rules and regulations set out in this title may be cited and referred to, and shall be known as the "King County Food Code." (R&R 91 §1(part), 5-14-93).

5.02.020 Purpose and policy.

A. In compliance with 246-215 WAC, this title is enacted as an exercise of the board of health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

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

C. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner of each food service establishment within its scope, and no provision nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents. (R&R 91 §1(part), 5-14-93).

5.02.025 Applicability – State food regulations adopted.

A. Except as otherwise specifically provided in this title, Chapter 246-215 WAC, Washington Food Service Regulations, as amended, are hereby adopted and by this reference made a part of this title.

B. Any person owning, operating, or working in a food establishment must comply with and is subject to the requirements of this title, including state regulations adopted by reference.

C. If a provision or definition of Chapter 246-215 WAC is inconsistent with a provision or definition otherwise established under this title, the more stringent provisions of this title shall apply. (R&R 05-06 § 1, 6-17-2005).

5.02.030 Enforcement authority. This title shall be enforced by the health officer. This title shall be enforced in accordance with Chapter 1.08 of this code. (R&R 91 §1(part), 5-14-93).

5.02.040 Authority to promulgate rules. The health officer is authorized to make rules and regulations not inconsistent with the provisions of this title for the purpose of enforcing and carrying out its provisions. (R&R 91 §1(part), 5-14-93).

5.02.050 Construction. The provisions of this title do not apply to or govern the construction of and punishment of any offense committed prior to the effective date of the rules and regulations codified in this title or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted. (R&R 91 §1(part), 5-14-93).

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**Chapter 5.04
DEFINITIONS****Sections:**

5.04.005	Effect of chapter
5.04.010	Apprentice meat cutter.
5.04.020	Bakery.
5.04.030	Bar or tavern.
5.04.040	Food establishment.
5.04.280	Food preparation.
5.04.290	General food service.
5.04.370	Grocery store.
5.04.390	Health officer.
5.04.400	Limited food service.
5.04.410	Local health officer.
5.04.420	Meat cutter.
5.04.450	Meat/fish market.
5.04.460	Nonprofit institution.
5.04.490	Owner.
5.04.620	School.
5 04 640	Seasonal food establishment.

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5.04.005 Effect of chapter. This chapter establishes definitions that are additional to or that modify definitions in Chapter 246-215 WAC. (R&R 05-06 § 2, 6-17-2005).

5.04.010 Apprentice meat cutter. WAC 246-215-011 is supplemented with the following:
Apprentice meat cutter (WAC 246-215-011(1.1)).

“Apprentice meat cutter” means any person in a meat/fish establishment employed for the purpose of selling meat or learning meat cutting while enrolled in a meat cutter’s apprenticeship program. (R&R 05-06 § 3, 6-17-2005).

5.04.020 Bakery. WAC 246-215-011 is supplemented with the following:
Bakery (WAC 246-215-011(1.2)).

“Bakery” means any food establishment in which food or food products are mixed and baked to final form and offered to the ultimate consumer. (R&R 05-06 § 4, 6-17-2005).

5.04.030 Bar or tavern. WAC 246-215-011 is supplemented with the following:
Bar or tavern (WAC 246-215-011(1.3)).

“Bar or tavern” means a food establishment, or an area within a food establishment, designated by the owner primarily for the sale of open containers of beer, wine, liquor or other alcoholic beverages and issued a license by, or having a license application pending before, the Washington State Liquor Control Board. (R&R 05-06 § 5, 6-17-2005).

5.04.040 Food establishment. WAC 246-215-011(36)(a) is not adopted and the following is substituted:

Food establishment (WAC 246-215-011(36)(a)).

“Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

(i) Such as a general food service; limited food service; grocery store; bakery; meat/fish market; bed-and-breakfast; school kitchen; nonprofit institution; restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(ii) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers. (R&R 05-06 § 6, 6-17-2005).

5.04.280 Food preparation. WAC 246-215-011 is supplemented with the following:
Food preparation (WAC 246-215-011(12.1)).

“Food preparation” means thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning or packaging food for a consumer, except that trimming of whole vegetables or fruits for display and sale shall not be considered food preparation. (R&R 05-06 § 7, 6-17-2005; R&R 91 §1(part), 5-14-93).

5.04.290 General food service. WAC 246-215-011 is supplemented with the following:
General food service (WAC 246-215-011(13.1)).

“General food service” means any stationary food establishment that provides food to the public, guests, patrons or its personnel for on-premises or off-premises consumption. (R&R 05-06 § 8, 6-17-2005).

5.04.370 Grocery store. WAC 246-215-011 is supplemented with the following:
Grocery store (WAC 246-215-011(13.2)).

“Grocery store” means a food establishment selling commercially prepared and prepackaged potentially hazardous foods requiring refrigeration or freezer control, whole produce and/or bulk foods for consumption off-site. (R&R 05-06 § 9, 6-17-2005; R&R 91 §1(part), 5-14-93).

5.04.390 Health officer. WAC 246-215-011 is supplemented with the following:

Health officer (WAC 246-215-011(13.3)).

"Health officer" means the director of the Seattle-King County Department of Public Health or any of his or her authorized representatives. (R&R 05-06 § 10, 6-17-2005; R&R 91 §1(part), 5-14-93)/

5.04.400 Limited food service. WAC 246-215-011 is supplemented with the following:

Limited food service (WAC 246-215-011(15.1)).

"Limited food service" means a food establishment with a limited menu in a building without permanent plumbing. (R&R 05-06 § 11, 6-17-2005).

5.04.410 Local health officer. WAC 246-215-011(17) is not adopted and the following is substituted:

Local health officer (WAC 246-215-011(17)).

"Local health officer" means the director of the Seattle-King County Department of Public Health or any of his or her authorized representatives. (R&R 05-06 § 12, 6-17-2005).

5.04.420 Meat cutter. WAC 246-215-011 is supplemented with the following:

Meat cutter (WAC 246-215-011(17.1)).

"Meat cutter" means any person cutting or preparing for sale fresh meat. (R&R 05-06 § 13, 6-17-2005).

5.04.450 Meat/fish market. WAC 246-215-011 is supplemented with the following:

Meat/fish market (WAC 246-215-011(17.2)).

"Meat/fish market" means all premises, buildings or parts thereof used for the preparation for sale, sale or dispensing of meat, fish, game animals or poultry to consumers and intended for off-premises consumption. (R&R 05-06 § 14, 6-17-2005).

5.04.460 Nonprofit institution. WAC 246-215-011 is supplemented with the following:

Nonprofit institution (WAC 246-215-011(3.1)).

"Nonprofit institution" means a food establishment with valid, current United States Internal Revenue Code section 501(c)(3) nonprofit status, Washington State Commission for the Blind status, or a municipal jail. (R&R 05-06 § 15, 6-17-2005).

5.04.490 Owner. "Owner" means a person owning and/or responsible for the operation of a food service establishment. (R&R 91 §1(part), 5-14-93).

5.04.620 School. WAC 246-215-011 is supplemented with the following:

School (WAC 246-215-011(24.1)).

"School" means a food establishment in an institution for learning limited to the K-12 grades. (R&R 05-06 § 16, 6-17-2005; R&R 91 §1(part), 5-14-93).

5.04.640 Seasonal food establishment. WAC 246-215-011 is supplemented with the following:

Seasonal food establishment (WAC 246-215-011(24.2)).

"Seasonal food establishment" means a food establishment that routinely operates for no more than six consecutive months each year. (R&R 05-06 § 17, 6-17-2005; R&R 91 §1(part), 5-14-93).

Chapter 5.10
PUBLIC HEALTH LABELING AND REGULATION

Sections:

- 5.10.005 Chapter definitions.
- 5.10.015 Food nutrition labeling requirements.
- 5.10.022 Approved alternative methods of nutrition labeling.
- 5.10.023 Approval process for proposed substantially equivalent methods of nutrition labeling.
- 5.10.025 Enforcement - Nutrition labeling.
- 5.10.035 Artificial trans fat restricted. (Effective May 1, 2008, and thereafter, with respect to oils and shortening containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)
- 5.10.045 Food deemed to contain artificial trans fat. (Effective May 1, 2008, and thereafter, with respect to oils and shortening containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)
- 5.10.055 Maintaining product labels or other documentation. (Effective May 1, 2008, and thereafter, with respect to oils and shortening containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)
- 5.10.065 Enforcement - Artificial trans fat. (Effective May 1, 2008, and thereafter, with respect to oils and shortening containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)
- 5.10.070 Alcoholic beverages.

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5.10.005 Chapter definitions. In addition to the definitions in BOH chapter 5.04, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Chain" restaurant means any one of at least fifteen restaurants within the United States doing business under the same name and collectively having at least one million dollars in gross annual sales and offering for sale substantially the same menu items, regardless of whether the restaurants are subject to the same ownership or type of ownership. "Restaurant" means a food establishment at which any prepared, un-prepackaged foods are offered for sale and consumption on or off the premises such as, for example, sit-down restaurants, cafes, coffee stands, and fast-food outlets, but not grocery stores or movie theatres. For the purposes of this chapter, "grocery store" means a store primarily engaged in the retail sale of canned foods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry, and includes convenience stores. "Chain restaurant" includes any chain restaurant located within another business, regardless of whether the business within which it is located is subject to this regulation.

B. "Condiment" means a sauce or seasoning including but not limited to ketchup, mustard, hot sauce, tartar sauce and similar items offered for general use with or without charge.

C. "Menu" means a printed list or pictorial display of a food item or items available for sale from a restaurant and includes menus distributed or provided outside of the restaurant for purposes of ordering. "Menu" does not include printed or pictorial materials for the purpose of marketing.

D. "Menu board" means any list or pictorial display of a food item or items posted in and visible within a restaurant or outside of a restaurant for the purpose of ordering. "Menu board" does not include printed or pictorial materials for the purpose of marketing.

E. "Point of ordering" means the location at a chain restaurant where consumers place their orders for menu items.

F. "Reasonable basis" or "reasonable bases" means any reliable and verifiable calorie and nutrient analysis of a standard menu item, which may include the use of calorie and nutrient databases, cookbooks, laboratory analyses and other reliable and verifiable methods of analysis.

G. "Standard menu item" means food offered for sale for more than ninety days per year and includes only those items served in at least fifteen locations of a chain. "Standard menu item" does not include:

1. Food offered for sale identified only by one or more food tags. "Food tags" means labels or tags that identify any food item displayed for sale such as in a display case;
2. Unopened prepackaged foods;
3. Condiments;
4. Unique or location-specific food or meal items offered at fewer than fifteen locations of a chain;

5. Foods offered in a salad bar, buffet line, cafeteria service or similar self-serve arrangement. "Similar self-serve arrangement" means a food service location where consumers may themselves take foods from a counter, display case or hot or cold holding containers;

6. Foods served by weight or custom-ordered quantity;
7. Customized orders requested by consumers that change the standard menu item;
8. Garnishes, such as a slice of lemon or a sprig of parsley.

H. "Standard recipe" means a recipe or formula used in preparing a menu item or meal that is consistent from one restaurant to the next in a chain.

I. "Substantially the same menu items" means eighty percent or more of the menu items served in at least fifteen locations of a chain restaurant are the same and are prepared using a standard recipe. Beverages that are prepared on site using a chain's standard recipe are to be included as menu items for the purposes of calculating whether a chain restaurant meets the definition of serving substantially the same menu items. Other types of beverages are not included in this calculation. (R&R 08-02 § 2, 2008; R&R 08-01 § 2, 2008 (expired June 10, 2008); R&R 07-01 § 1, 2007).

5.10.015 Food nutrition labeling requirements.

A. Nutrition labeling of food required. Each chain restaurant shall make nutrition labeling of food available to consumers for all standard menu items as required by this chapter. The nutrition labeling of food shall include, but not be limited to, the total number of calories and nutrients as follows, per standard menu item, as usually prepared and offered for sale, including condiments routinely added to a menu item as part of a standard recipe:

1. Total number of calories;
2. Total number of grams of saturated fat;
3. Total number of grams of carbohydrate; and
4. Total number of milligrams of sodium.

B. Nutrition labeling of food on menus. Each chain restaurant that provides a menu shall provide the nutrition labeling of food required under subsection A. of this section next to each standard menu item on the menu. The nutrition labeling shall be easily readable, in a typeface similar to other information about each standard menu item, and in a font no less than nine point. The menu shall include, in a clear and conspicuous manner, the following statement: "The Dietary Guidelines for Americans recommend limiting saturated fat to 20 grams and sodium to 2,300 milligrams for a typical adult eating 2,000 calories daily. Recommended limits may be higher or lower depending upon daily calorie consumption."

C. Nutrition labeling of food on menu boards. Each chain restaurant that uses a menu board shall post on the menu board the total number of calories per standard menu item. The nutrition labeling shall be in a font size and typeface that is at least as prominent as that used to post prices of menu items on the menu board. This type of chain restaurant shall make the other nutrition labeling of food required under subsection A. of this section and the statement under subsection B. of this section available on easily readable printed pamphlets, brochures, posters or similar documents that are plainly visible to consumers at the point of ordering.

D. Other methods of providing nutrition information. In lieu of the placement requirements for nutrition labeling in subsections B. and C. of this section, a chain restaurant may provide nutrition labeling through an approved alternative or approved substantially equivalent method as described in BOH 5.10.022 or 5.10.023.

E. Additional nutrition labeling of food permitted. Nothing in this section precludes restaurants from providing additional nutrition labeling of food voluntarily.

F. Standards for calorie and nutrient analysis. Chain restaurants shall perform or obtain the required calorie and nutrient analysis using reasonable bases. Calorie and nutrient analysis using reasonable bases is required once per standard food item, provided that portion size is reasonably consistent and the restaurant follows a standard recipe and trains to a consistent method of preparation. Chain restaurant owners or operators shall provide to the health officer, if requested, documentation of the reasonable bases of calorie and nutrient analysis for purposes of enforcement of this regulation.

G. Disclaimer for nutrition content variation. The nutrition labeling of food required under subsection A. of this section may be presented with a disclaimer stating that there may be variations in nutrition content across servings, based on slight variations in overall serving size or quantity of ingredients, or based on special ordering.

H. Identification of chain restaurant status. Each food establishment shall identify whether or not it is a chain restaurant by a method approved by the health officer. (R&R 08-02 § 3, 2008: R&R 08-01 § 3, 2008 (expired June 10, 2008): R&R 07-01 § 2, 2007).

5.10.022 Approved alternative methods of nutrition labeling.

A. Approved alternative methods of nutrition labeling for chain restaurants that provide menus. A chain restaurant that provides a menu may provide nutrition labeling through one of the approved alternative methods listed in this subsection in lieu of the placement requirements in BOH 5.10.015.B., but only if a statement clearly and prominently appears on each page of the menu stating the location and specific method through which nutrition information is available and only if the alternative method of nutrition labeling is available at each point of ordering.

1. Approved alternative methods for nutrition labeling on the menu are:

a. a menu insert. A menu insert shall be placed within each menu or shall be presented by the server with the menu. A menu insert shall provide the nutrition information required by this chapter next to each standard menu item. The nutrition information shall be easily readable and in a font no less than nine point. A menu insert shall list food categories and food items in the same order as these appear on the menu. A menu insert is not required to contain photos or menu item descriptions that appear on the menu;

b. a menu appendix. A menu appendix shall be attached in the back of the menu. A menu appendix shall provide the nutrition information required by this chapter next to each standard menu item. The nutrition information shall be easily readable and in a font no less than nine point. A menu appendix shall list food categories and food items in the same order as these appear on the menu. A menu appendix is not required to contain photos or menu item descriptions that appear on the menu;

c. a supplemental menu. A supplemental menu similar in general appearance to the menu shall be available at each point of ordering or shall be presented by the server with the menu. A supplemental menu shall provide the nutrition information required by this chapter next to each standard menu item. The nutrition labeling shall be easily readable, in a typeface similar to the menu, and in a font no less than nine point. A supplemental menu shall list food categories and food items in the same order as these appear on the menu. A supplemental menu is not required to contain photos or menu item descriptions that appear on the menu; and

d. electronic kiosks. An electronic kiosk shall be available at each point of ordering. An electronic kiosk shall provide the nutrition information required by this chapter for each standard menu item. The nutrition labeling shall be easily readable and shall be presented in a manner such that consumers can easily view in one place and compare nutrition information for similar menu items. An electronic kiosk shall present food categories and food items in the same order as they appear on the menu.

2. Each of the approved alternative methods for nutrition labeling on the menu shall include, in a clear and conspicuous manner, the following statement: "The Dietary Guidelines for Americans recommend limiting saturated fat to 20 grams and sodium to 2,300 milligrams for a typical adult eating 2,000 calories daily. Recommended limits may be higher or lower depending upon daily calorie consumption."

3. A chain restaurant that provides a menu and uses an approved alternative method for nutrition labeling on the menu shall also provide consumers in the restaurant who are ordering menu items for carryout with access to nutrition labeling that is equivalent to that provided for all other consumers.

B. Approved alternative methods of nutrition labeling for chain restaurants that use menu boards. A chain restaurant that uses a menu board may provide nutrition labeling through one of the approved alternative methods listed in this subsection in lieu of the placement requirements in BOH 5.10.015.C.

1. Approved alternative methods for labeling of calories. A chain restaurant may use one of the following approved alternative methods in lieu of posting calorie information on menu boards, but only if the chain restaurant provides the other nutrition labeling in accordance with the provisions for nutrient labeling in this chapter.

a. a sign adjacent to the menu board. A sign adjacent to the menu board shall appear on the same wall as the menu board and shall be in the same field of vision as the menu board viewed by consumers at the point of ordering. A sign adjacent to the menu board shall provide the calorie labeling required by this chapter next to each standard menu item. The calorie labeling shall be in a font size and typeface that is at least as prominent as that used to post prices of menu items on the menu board. A sign adjacent to the menu board shall be easily readable and shall list food categories and food items in the same order as these appear on the menu board; and

b. a sign in queue at eye level. A sign in queue at eye level shall be no less than two feet by three feet, shall be posted with the bottom of the sign no lower than four feet and the top of the sign no higher than eight feet from the ground, and shall be in clear view to consumers in queue, whether standing or in a drive-through, at or before the point of ordering. A sign in queue shall provide the calorie labeling required by this chapter next to each standard menu item. A sign in queue shall be easily readable, in a typeface similar to the menu board, and in a font no less than forty point.

2. Approved alternative method for providing nutrition information other than calories to consumers in a drive-through. A chain restaurant may provide the other nutrition labeling to consumers in queue in a drive-through at the first window of the drive-through or at another location where it is easily accessible to drive-through consumers in lieu of the requirement in BOH 5.10.015.C. that it be plainly visible to consumers at the point of ordering, but only if the chain restaurant provides calorie labeling to consumers in a drive-through in accordance with the provisions for calorie labeling in this chapter.

C. Other approved alternative methods of nutrition labeling.

1. Approved alternative method of nutrition labeling for alcoholic beverages. An approved alternative method for nutrition labeling of each alcoholic beverage is to collectively label alcoholic beverages in a clear and prominent position using the average nutritional values for beers, wines and spirits. Nutrition labeling of alcoholic beverages collectively shall otherwise be in accordance with the provisions for calorie and nutrient labeling in this chapter.

a. Chain restaurants that collectively label alcoholic beverages shall use the following average nutritional values:

- (1) wine – 5 ounces: 122 calories; 4 grams carbohydrate; 7 milligrams sodium;
- (2) regular beer – 12 ounces: 153 calories; 13 grams carbohydrate; 14 milligrams sodium;
- (3) light beer – 12 ounces: 103 calories; 6 grams carbohydrate; 14 milligrams sodium; and
- (4) distilled spirits (80 proof gin, rum, vodka, or whiskey) – 1.5 ounces: 96 calories.

b. Chain restaurants that collectively label alcoholic beverages may add to the nutrition labeling the following statement: "Signature drinks or liqueurs with added ingredients may increase caloric content."

2. Approved alternative method of nutrition labeling for combination meals that are posted on a menu board. A combination meal means a standard menu item that is comprised of two or more food items with options of food items. Chain restaurants may use the following approved alternative method of nutrition labeling for combination meals that are posted on a menu board. An approved alternative method for nutrition labeling of calories and nutrient values for each possible combination of food items offered in a combination meal is to provide calorie labeling for a combination meal that uses a range of the lowest and highest values of calorie content among all possible combinations of food items offered in a combination meal. Labeling of other nutrient values for combination meals is not required, but only if nutrition labeling is provided for the individual food items that comprise a combination meal. Nutrition labeling using calorie ranges shall otherwise be in accordance with the provisions for calorie labeling in this chapter. (R&R 08-02 § 4, 2008).

5.10.023 Approval process for proposed substantially equivalent methods of nutrition labeling.

A. A chain restaurant may propose a method of nutrition labeling not otherwise identified in BOH chapter 5.10 for approval by the health officer as a substantially equivalent method for use in lieu of requirements in BOH 5.10.015.B or C. A chain restaurant shall obtain approval from the health officer of any proposed substantially equivalent method for nutrition labeling before implementation.

B. A chain restaurant shall seek approval of a proposed substantially equivalent method by submitting a written proposal to the health officer that demonstrates how the proposed method is expected to allow for consumers at the point of ordering to:

1. Perceive that nutrition information is readily available;
2. Encounter nutrition information routinely and automatically; and
3. Access nutrition information in a manner that does not interrupt the normal flow of business.

C. The written proposal shall include documentation of at least one of the following:

1. Sample nutrition labeling materials or other documents such as photographs that demonstrate that the form in which nutrition information would be provided to consumers is substantially equivalent to BOH 5.10.015.B. or C.

2. Existing data and other evidence from customer surveys that demonstrate that the proposed nutrition labeling method results in a percentage of consumers who see nutrition information before placing their order that is equal to or higher than the percentage in the menu labeling equivalency benchmark established in accordance with this subsection.

a. Customer surveys used to support a proposed substantially equivalent method must be conducted independently by professionals using scientifically valid survey methods, including the use of random sampling methods to conduct customer assessments.

b. Pending the results of menu labeling research, the health officer establishes a preliminary menu labeling equivalency benchmark as seventy-five percent of consumers see nutrition information in the chain restaurant before placing their orders. The health officer shall collaborate with the restaurant industry in revising the preliminary benchmark based on scientifically valid menu labeling research.

3. A plan for evaluation of the proposed method and timeline for the submittal to the health officer of the data and other results of the evaluation. The evaluation plan shall be based on scientifically valid customer surveys that meet the requirements of subsection C.2.a. of this section.

D. The health officer may request that additional information be submitted before a proposal is considered for approval.

E. The health officer may approve a substantially equivalent method conditional on changes to the proposed method.

F. The health officer may limit approval of a substantially equivalent method to use in one chain and for a limited time.

G. Where an approved method may be applicable to several chain restaurants, the health officer shall propose these methods to the Board of Health for inclusion in this regulation as approved substantially equivalent methods of nutrition labeling.

H. Any changes in form to an approved substantially equivalent method require submittal of a new written proposal and approval by the health officer before implementation. (R&R 08-02 § 5, 2008).

5.10.025 Enforcement – Nutrition labeling.

A. The director of the Seattle-King County Department of Public Health or his or her authorized representative is authorized to enforce the nutrition labeling requirements of this chapter in accordance with the food establishment inspection and other enforcement provisions of BOH chapters 5.02 and 5.60.

B. If the health officer questions the accuracy of nutrition labeling for a menu item, the health officer may refer a nutrition professional from the Seattle-King County department of public health to the restaurant to review and determine if the nutrition information requires correcting. The health officer shall verify any required corrections at the next regular inspection.

C. From August 1, 2008, through December 31, 2008, a chain restaurant shall not be deemed to be in violation of BOH 5.10.015.B. and C. if the restaurant provides documentation that it has taken steps to obtain calorie and nutrient analysis of standard menu items and create nutrition labeling.

D. From August 1, 2008, through August 1, 2009, a chain restaurant shall not be deemed to be in violation of BOH 5.10.015.B. and C. as it applies to drive-through menu boards. (R&R 08-02 § 6, 2008: R&R 08-01 § 6, 2008: (expired June 10, 2008): R&R 07-01 § 3, 2007).

(KCBOH 9-2008)

5.10.035 Artificial trans fat restricted. (Effective May 1, 2008, and thereafter, with respect to oils and shortenings containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter, with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)

A. Foods deemed to contain artificial trans fat as set forth in this chapter shall not be distributed, held for service, used in preparation of any menu item or served in any food establishment operating under permit issued by the health officer. This restriction on artificial trans fat does not apply to food served directly to patrons in a manufacturer's original sealed package, or any food served in a school.

B. The King County Board of Health intends, in consultation with the health officer, school representatives, and other interested parties, to identify strategies supporting healthy food choices in schools. (R&R 07-02 § 1, 2007).

5.10.045 Foods deemed to contain artificial trans fat. (Effective May 1, 2008, and thereafter, with respect to oils and shortenings containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter, with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)

For the purposes of this chapter, a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving, shall not be deemed to contain artificial trans fat. (R&R 07-02 § 2, 2007).

5.10.055 Maintaining product labels or other documentation. (Effective May 1, 2008, and thereafter, with respect to oils and shortenings containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter, with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)

A. Original labels. Except as otherwise provided in this section, food establishments shall maintain on site the original labels for all food products:

1. That are, or that contain, fats, oils or shortenings,
2. That are, when purchased by such food establishments, required by WAC 246-215-051(3), as amended, to have labels, and
3. That are currently being distributed, held for service, used in preparation of any menu items or served by the food establishment.

B. Documentation instead of labels. Documentation from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

C. Documentation required when food products are not labeled. If baked goods, or other food products restricted pursuant to this chapter, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food establishments dispensing such food products shall obtain and maintain documentation, from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content. (R&R 07-02 § 3, 2007).

5.10.065 Enforcement – Artificial trans fat. (Effective May 1, 2008, and thereafter, with respect to oils and shortenings containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, and thereafter, with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.)

The director of the Seattle-King County Department of Public Health or his or her authorized representative is authorized to enforce the artificial trans fat restrictions and requirements of this chapter in accordance with the food establishment inspection and other enforcement provisions of chapters 5.02 and 5.60 of this title. (R&R 07-02 § 4, 2007).

5.10.070 Alcoholic beverages. WAC 246-215-051 is supplemented with the following:
Alcoholic beverages (WAC 246-215-051(10)).

Whenever alcoholic beverages, as defined by RCW Chapter 66.04 are served for consumption on the premises, signs and notices of the effects of alcohol consumption and cigarette smoking during pregnancy shall be posted. Such signs or notices shall meet the following requirements:

(a) Shall read as follows:

DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS, AND OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE BIRTH DEFECTS; and

(b) Shall be of the following size:

- (i) At least two inches high if printed or included in a menu.
- (ii) At least three inches by three inches per side if set forth on a single, double, or multi-sided placard or display tent on any table provided for the establishment's customers; or
- (iii) Not less than eight and one-half inches by eleven inches included on a sign that is posted at a bar or tavern or other point of sale that is clearly visible to the public. (R&R 05-06 § 18, 6-17-2005: R&R 91 §1(part), 5-14-93).

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Chapter 5.20
EQUIPMENT AND UTENSILS

Sections:

5.20.050 Equipment and utensils.

5.20.050 Equipment and utensils. WAC 246-215-071 is supplemented with the following:
Equipment and utensils (WAC 246-215-071(5)).

Food Code section 4-301.12 regarding manual warewashing and sink compartment requirements is amended to add (F) "The food service establishment owner of bars or taverns shall provide a sink compartment for disposing of liquid waste in addition to sinks necessary for cleaning and sanitizing. (R&R 05-06 § 19, 6-17-2005; R&R 91 §1(part), 5-14-93).

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Chapter 5.26
SANITARY FACILITIES AND CONTROLS

Sections:

5.26.010 Water, plumbing and waste.

5.26.010 Water, plumbing and waste. WAC 246-215-081 is supplemented with the following:
Water, plumbing and waste (WAC 246-215-081(6)).

Food Code paragraph 5-403.11(B) is amended to read: "An on-site sewage system (OSS) providing treatment and disposal in compliance with state and local law." (R&R 05-06 § 20, 6-17-2005).

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Chapter 5.34
MOBILE FOOD VEHICLES

Sections:

- 5.34.010 Mobile food units – Cart size.
- 5.34.020 Mobile food units – Potentially hazardous foods.
- 5.34.030 Mobile food units – Additional requirements.

5.34.010 Mobile food units – cart size. WAC 246-215-121 is supplemented with the following:
Mobile food units – Cart size (WAC 246-215-121(3.1)).

The permit holder of a mobile food cart shall ensure the cart body size is limited to three feet by six feet with each extension no longer than eighteen inches or the size required by the local jurisdiction, whichever is smaller. (R&R 05-06 § 21, 6-17-2005).

5.34.020 Mobile food units – Potentially hazardous foods. WAC 246-215-121(9) is not adopted and the following is substituted:

Mobile food units – Potentially hazardous foods (WAC 246-215-121(9)).

The person in charge of a mobile food unit must ensure that potentially hazardous foods are:

- (a) Not cooled on the mobile food unit;
- (b) Properly temperature-controlled during transport to the place of service;
- (c) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;
- (d) Reheated, for hot holding, from 41°F to 165°F or above within one hour on the mobile food unit when the foods were cooked and cooled in an approved nonmobile food establishment;
- (e) Reheated, for hot holding, from 41°F to 140°F or above within one hour on the mobile food unit when the foods were produced in a food processing plant;
- (f) Reheated no more than one time; and
- (g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold holding equipment, or otherwise temperature controlled by an approved method. (R&R 05-06 § 22, 6-17-2005).

5.34.030 Mobile food units – Additional requirements. WAC 246-215-121(21) is not adopted and the following is substituted:

Mobile food units – Additional requirements (WAC 246-215-121(21)).

The health officer may allow a person to operate a food establishment with a limited menu in a movable building without permanent plumbing under applicable provisions of this section. In addition the following provisions must be met:

- (a) Toilet facilities must be within 200 feet of the establishment and available at all times that the establishment is operating.
- (b) Facilities for cleaning and sanitizing must meet the provisions of this title and be located within 200 feet of the establishment and available at all times that the establishment is operating. (R&R 05-06 § 23, 6-17-2005).

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Chapter 5.42
TEMPORARY FOOD ESTABLISHMENTS

Sections:

5.42.010 Temporary food establishments – Potentially hazardous foods.

5.42.010 Temporary food establishments – Potentially hazardous foods. WAC 246-215-131(15) is not adopted and the following is substituted:

Temporary food establishments – Potentially hazardous foods (WAC 246-215-131(5)).

The person in charge of a temporary food establishment must ensure that potentially hazardous foods are:

- (a) Not cooled in a temporary food establishment;
- (b) Properly temperature-controlled during transport to the temporary event location;
- (c) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;
- (d) Reheated, for hot holding, from 41°F to 165°F or above within one hour when cooked and cooled in an approved food establishment;
- (e) Reheated, for hot holding, from 41°F to 140°F or above within one hour when produced in a food processing plant;
- (f) Reheated no more than one time; and
- (g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold holding equipment, or otherwise temperature controlled by an approved method. (R&R 05-06 § 24, 6-17-2005).

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Chapter 5.50
PERMITS REQUIRED

Sections:

- 5.50.010 License required.
- 5.50.020 Application and issuance.
- 5.50.030 Activity authorized by occupational licenses.
- 5.50.040 Employing unlicensed persons.

5.50.010 License required. It is unlawful for any person to engage in the business of, operate or be employed as a meat cutter or apprentice meat cutter without having a valid, appropriate personal license from the health officer. (R&R 05-06 § 25, 6-17-2005).

5.50.020 Application and issuance.

A. Meat Cutter's License. Any applicant for an original meat cutter's license shall obtain such license only upon achieving a passing score on an examination administered by the health officer and paying the required license fee; provided, that any valid original or renewal meat cutter's license issued pursuant to this section may be renewed annually upon payment of the applicable annual fee. The examination shall test an applicant's competency in the cutting, handling, care of meat, knowledge of sanitation and code requirements and the applicant's ability by the senses to recognize in meat decomposition and other taints and conditions deleterious to health.

B. Apprentice Meat Cutter's License. Any applicant for an original apprentice meat cutter's license shall obtain such license only upon submitting evidence, to the satisfaction of the health officer, of enrollment in a meat cutters' apprenticeship program, and paying the required license fee; provided, that a valid original apprentice meat cutter's license issued pursuant to this section may be renewed for a maximum period of one additional year upon payment of the applicable renewal fee. Any apprentice meat cutter's license renewed pursuant to this section shall be ineligible for further renewal. (R&R 05-06 § 26, 6-17-2005).

5.50.030 Activity authorized by occupational licenses.

A. Meat Cutter's License. A valid meat cutter's license shall entitle its lawful holder to cut for sale fresh meat to a consumer from a licensed meat/fish establishment.

B. Apprentice Meat Cutter's License. A valid apprentice meat cutter's license shall entitle its lawful holder to engage in all activity in which a licensed meat cutter may engage; provided, that an apprentice meat cutter may prepare (cut, grind, etc.) fresh meat for sale only while under the immediate direction and supervision of a licensed meat cutter. (R&R 05-06 § 27, 6-17-2005).

5.50.040 Employing unlicensed persons. It is unlawful for anyone to employ a person as a meat cutter or apprentice meat cutter when such person does not possess a valid license within fourteen (14) calendar days of employment to act in such capacity as required under this title, and does not also possess a valid food worker card. (R&R 05-06 § 28, 6-17-2005).

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**Chapter 5.52
(Reserved)**

Editor's Note:

Former Chapter 5.52, entitled Fees, was amended in its entirety by Rule and Regulation No. 05-05, and recodified in Title 2 of this code.

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Chapter 5.60
PERMIT SUSPENSION, REVOCATION AND COMPLIANCE METHODS

Sections:

- 5.60.010 Compliance and enforcement.
- 5.60.020 Permits required, suspension, revocation, enforcement – General.
- 5.60.030 Permit suspension process.
- 5.60.040 Permit revocation process.
- 5.60.050 Closure.
- 5.60.060 Examination, hold orders, condemnation, and destruction of food.

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5.60.010 Compliance and enforcement. WAC 246-215-181 is not adopted and the following is substituted:

Compliance and enforcement (WAC 246-215-181).

(1) Food Code paragraph 8.201.11(C) regarding plans required for remodeling is amended to read: "The remodeling of a food establishment or a change of type of food establishment or food operation as specified under paragraph 8-302.14(C) if the health officer determines that plans and specifications are necessary to ensure compliance with this code."

(2) Food Code section 8-302.11 regarding permit application procedure is amended to read: "An applicant shall submit an application for a permit at least 30 days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility unless otherwise approved by the health officer."

(3) Food Code paragraph 8-302.13(D) regarding permit fees is amended to read: "Pay the applicable permit fees at the time the application is submitted. A seasonal food service permit shall not be valid for more than six (6) consecutive months. A temporary food establishment permit shall not be valid for longer than 21 days, except that the health officer may authorize a longer permit duration or frequency for a recurring, organized event such as a farmer's market that qualifies as a temporary food establishment under this title."

(4) Food Code section 8-303.20 regarding existing establishments, permit renewal, and change of ownership is amended to add: "Duplicate and name change permits may be issued when payment of applicable fees have been made. All permits shall expire on the March 31st following the date of issuance. Notwithstanding any other provision herein to the contrary, all temporary and seasonal permits shall expire on the date set forth on the face of such permit."

(5) Food Code section 8-303.30 regarding denial of application for permit is amended to add (D): "The health officer may deny the application if the applicant has any outstanding monies owed to the Seattle-King County Department of Public Health for permit fees, late fees, checks returned by the bank, civil penalties, or other miscellaneous fees."

(6) Food Code subparagraph 8-304.11(G)(2), regarding replacement of facilities and equipment to meet current standards when the ownership of a food establishment changes, does not apply.

(7) Food Code section 8-304.11, regarding responsibilities of the permit holder, is amended to add (L): "Except for mobile food units and catering operations, a permit needs to be obtained for each location at which an activity subject to a permit is conducted, and each permit shall be valid only at the location stated on the permit."

(8) Food Code section 8-304.11, regarding responsibilities of the permit holder, is amended to add (M): "Whenever a permit is suspended or revoked, the permittee shall return the permit to the health officer."

(9) Food Code subparagraph 8-401.10(B)(2), regarding inspection frequency, is amended to read: "The food establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule developed by the health officer, or set by state or federal law, and uniformly applied throughout the jurisdiction."

(10) Food Code paragraph 8-401.10(C), regarding inspection frequency of temporary food establishments, is amended to read: "The health officer shall inspect a temporary food establishment during its permit period, unless the health officer develops a written risk-based plan for exempting certain categories of temporary establishments from inspection that is uniformly applied throughout the jurisdiction."

(11) Food Code paragraph 8-401.20(A), regarding criteria for prioritizing inspections, is amended to read: "Past performance, for nonconformance with code or HACCP plan requirements."

(12) Food Code paragraph 8-401.20(B), regarding criteria for prioritizing inspections, is amended to read: "Past performance, for numerous or repeat violations of code or HACCP plan requirements."

(13) Food Code section 8-401.20, regarding criteria for prioritizing inspections, is amended to add (H): "Whether the establishment is properly implementing an approved self-inspection program."

(14) Food Code subparagraph 8-402.20(A)(3) and section 8-402.40, regarding obtaining an inspection order, do not apply. The health officer may suspend a permit to operate a food establishment if the health officer, after showing proper credentials, is denied access to conduct an inspection of the food establishment.

(15) Food Code section 8-403.10, regarding documenting information and observations, is amended to read: "The health officer shall document on an inspection report form approved by the department of health."

(16) Food Code subparagraph 8-403.10(B)(2), regarding documenting information on an inspection report form, is amended to read: "Failure of food employees and the person in charge to demonstrate knowledge of their responsibility to report a disease or medical condition."

(17) Food Code subparagraph 8-403.10(B)(3), regarding documenting information on an inspection report form, is amended to read: "Nonconformance with this code."

(18) Food Code section 8-403.20, regarding specifying a time frame for corrections, is amended to read: "The health officer shall specify on the inspection report form the time frame for correction of any violations."

(19) Food Code sections 8-405.11 and 8-405.20, regarding critical violations, do not apply.

(20) Food Code section 8-406.11, regarding noncritical violations, does not apply. (R&R 05-06 § 29, 6-17-2005).

5.60.020 Permits required, suspension, revocation, enforcement – General. WAC 246-215-200(2) is not adopted and the following is substituted:

Permits required, suspension, revocation, enforcement – General (WAC 246-215-200(2)).

The health officer may suspend any permit to operate a food establishment if:

- (a) Continued operation of the food establishment constitutes an imminent or actual health hazard;
- (b) Operations, facilities, or equipment in the food establishment fail to comply with these regulations;
- (c) The permit holder does not comply with these regulations; or
- (d) Interference with the health officer in the performance of his or her duties has occurred; or
- (e) The owner or operator does not comply with the conditions of a variance. (R&R 05-06 § 30, 6-17-2005).

5.60.030 Permit suspension process. WAC 246-215-200(6) is not adopted and the following is substituted:

Permit suspension process (WAC 246-215-200(6)).

WAC 246-215-200(6) is not adopted and the following is substituted:

The health officer may adopt and use a permit suspension process different than specified under subsections (2), (3), (4), or (5) of this section, including the permit suspension process of Chapter 1.08 of this code. (R&R 05-06 § 31, 6-17-2005).

5.60.040 Permit revocation process. WAC 246-215-200(10) is not adopted and the following is substituted:

Permit revocation process (WAC 245-215-200(10)).

The health officer may use a permit revocation process different than specified under subsections (7), (8), and (9) of this section, including the permit revocation process of Chapter 1.08 of this code. (R&R 05-06 § 32, 6-17-2005).

5.60.050 Closure. WAC 246-215-200 is supplemented as follows:

Closure (WAC 246-215-200(12)).

(a) Issuance. The health officer may issue a notice of closure to a food establishment requiring the operator to cease operation immediately if the operator has:

1. Failed to submit plans or receive approval from the health officer of plans as required by this title, or an inspection indicates construction or renovation at the food establishment is not in substantial compliance with plans approved by the health officer;

2. Failed to submit a permit application or receive approval from the health officer of a permit application for a food establishment or failed to submit a change of ownership application as required by this title; or

3. Failed to pay a permit fee or any other applicable fee required by this code.

(b) Notice of closure. The notice of closure shall state:

1. That the food establishment shall close immediately upon issuance of the notice of closure to an operator and that all preparation and service of food shall immediately cease.

2. That no food preparation or service shall occur at the food establishment after a notice of closure has been received by the operator;

3. The reason(s) for the notice of closure; and

4. That the operator may request reconsideration of the closure order by filing a written request with the health officer within ten (days) after delivery of the closure notice as provided in WAC 246-215-200 and WAC 246-215-220. (R&R 05-06 § 33, 6-17-2005).

5.60.060 Examination, hold orders, condemnation, and destruction of food. WAC 246-215-240(3) is not adopted and the following is substituted:

Examination, hold orders, condemnation, and destruction of food (WAC 246-215-240(3)).

The health officer may examine or collect samples of food as necessary for enforcement of this title. The cost of any laboratory testing shall be paid by the permit holder or person in charge of the food establishment. (R&R 05-06 § 34, 6-17-2005).

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Chapter 5.64
FOOD ESTABLISHMENT RISK

Sections:

- 5.64.010 Food establishment risk categories.
- 5.64.020 Appeal of food establishment risk designation.

5.64.010 Food establishment risk categories. Every food establishment and every new and renewal application for a food establishment permit shall be subject to a risk assessment by the health officer. The health officer shall designate each food establishment as low risk (risk category 1), medium risk (risk category 2), or high risk (risk category 3) based on the types of food dispensed, food preparation steps, and types of food processing or packaging performed at the establishment; provided, however, that temporary food establishments shall be designated as either high risk or low risk. In determining the most appropriate risk category for each establishment, the health officer shall apply the risk category standards of this section.

A. Low Risk – Risk Category 1. Any food establishment performing only cold holding or limited food preparation, with no further preparation, shall be designated a low risk or risk category 1 establishment. The following shall also be designated as a low risk or risk category 1 establishment:

1. Any establishment serving ready to eat, pre-packaged potentially hazardous food or prepackaged frozen foods;
2. Any establishment serving espresso or blended drinks, with no other food preparation;
3. Any establishment heating and serving individually, commercially-prepared and prepackaged ready to eat foods for immediate service;
4. Any mobile food establishment serving only espresso or hot dogs or both, with no other food preparation; and
5. Any bed and breakfast operation.

B. Medium Risk – Risk Category 2. Any food establishment performing only cold holding or food preparation, and which does not otherwise qualify as a high risk or risk category 3 establishment, shall be designated as a medium risk or risk category 2 establishment. The following shall also be designated as a medium risk or risk category 2 establishment:

1. Any establishment baking bread or pastries, frying donuts, or grilling sandwiches or toast for immediate service, with no hot-holding of food;
2. Any school or institution satellite operation performing food service limited to reheating or hot holding of prepared foods, with no on-site cooking; and
3. Any grocery store or market selling pre-packaged raw meat or fish products.

C. High Risk – Risk Category 3. The following shall be designated as a high risk or risk category 3 establishment:

1. Any establishment cooking and either cooling, reheating, hot holding, or holding other than cold holding of food;
2. Any meat or fish market selling meat or fish other than pre-packaged raw product;
3. Any establishment where food preparation includes cutting or processing of raw meat or fish products; and
4. Any establishment with an approved HACCP plan and performing either overnight cooking or on-site reduced oxygen packaging. (R&R 05-06 § 35, 6-17-2005).

5.64.020 Appeal of food establishment risk designation.

Any food establishment owner or operator aggrieved by a risk designation for his or her establishment may appeal the designation by submitting, within ten days of the date of issuance of the notice of the designation, a written request for an administrative conference with the health officer. (R&R 05-06 § 36, 6-17-2005).

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Title R5

FOOD-SERVICE ESTABLISHMENTS*

Chapters:

- R5.02 General Provisions
- R5.04 Bake Sales
- R5.08 Produce Stands and Vehicles
- R5.11 Modified Atmosphere Packaging
- R5.12 Temporary Food-Service Establishments
- R5.36 Toilet Facilities
- R5.65 Food Demonstration and Food Promotion

Chapter R5.02

GENERAL PROVISIONS

Sections:

R5.02.010 Permit exemptions.

R5.02.010 Permit exemptions. Food-service establishments which sell, serve and/or offer for sale only commercially prepared and packaged, nonpotentially hazardous foods shall be exempt from this code. (HDR 27 §1, 6-20-91)

Chapter R5.04

BAKE SALES

Sections:

- R5.04.010 Definitions.
- R5.04.020 When allowed.
- R5.04.030 Protection of items.
- R5.04.040 Regulation of certain substances.
- R5.04.050 Permits.

R5.04.010 Definitions. The following words and phrases used herein shall mean as follows:

* **Editor's Note:** For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."

A. "Bake sale" means any temporary noncommercial sale of baked goods such as breads, cakes, cookies and candies conducted by a religious, charitable or community service organization either alone or in conjunction with a community celebration or fair to raise funds for such organization. It shall not apply to individuals or commercial enterprises such as food-service establishments who wish to make a profit.

B. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods

which have a pH level of 4.6 or below or a water activity (a) value of 0.85 or less.

C. "Temporary" means not to exceed three (3) days. (HDR 15 §1, 11-3-82)

R5.04.020 When allowed. The sale of home-baked goods such as breads, cakes, cookies, and candies will be allowed only when such items are not considered to be potentially hazardous. (HDR 15 §2, 11-3-82)

R5.04.030 Protection of items. All such items offered for sale must be wrapped or otherwise protected from contamination while on display and being offered for sale. (HDR 15 §3, 11-3-82)

R5.04.040 Regulation of certain substances. Custard or cream fillings or toppings are prohibited. Whipped cream or nondairy whipped fillings or toppings are prohibited. No unpasteurized dairy product may be used unless it is completely baked (cooked) after being added. (No unpasteurized butter can be used in butter frostings.) (HDR 15 §4, 11-3-82)

R5.04.050 Permits. Sponsors of bake sales conducted thin the building of the sponsor such as in a church or school where the products are sold mainly to the members or to the parents and/or students will not be required to obtain a food permit as provided in Seattle Municipal Code Section 10.11.211 and Title 5 of this code, as amended. The sponsor of any bake sale held away from the premises of the sponsoring organization is required to obtain a temporary food-service establishment permit from the health officer for each location as provided in Seattle Municipal Code Section 10.11.911 and Chapter 5.68 of this code. (HDR 15 §5, 11-3-82)

Chapter R5.08

PRODUCE STANDS AND VEHICLES

Sections:

- R5.08.010 Definitions.
- R5.08.020 Compliance required.
- R5.08.030 Permits.
- R5.08.040 General requirements for employees and operators.
- R5.08.050 Wholesome food required.
- R5.08.060 Fruits and vegetables.

- R5.08.070 Sanitary premises required.
- R5.08.080 Storage and display of wares.
- R5.08.090 Unattended or overnight storage.
- R5.08.100 Drainage and protection from dust contamination.
- R5.08.110 Garbage and refuse disposal and storage.
- R5.08.120 Liquid waste disposal.
- R5.08.130 Toilet facilities.
- R5.08.140 Plan review.
- R5.08.150 Notice of violation.

R5.08.010 Definitions. The following words and phrases used herein shall mean as follows:

A. "Mobile produce vehicle" means a vehicle which operates as a food establishment at one or more approved locations and which offers for sale only fresh whole fruits and/or vegetables.

B. "Produce stand" means an approved roadside stand and/or similar structure which operates as a food establishment at a fixed location and offers for sale only fresh whole fruits and/or vegetables. (HDR 23 §1, 1-16-86)

R5.08.020 Compliance required. As an alternative to compliance with all provisions of Seattle Municipal Code Chapter 10.11 or Title 5 of this code, as amended, a produce stand or mobile produce vehicle must comply with the standards set out in this chapter. (HDR 23 §2(part), 1-16-86)

R5.08.030 Permits. Each produce stand and mobile produce vehicle must have a valid food-service establishment permit posted conspicuously at all times. Each permit is nontransferable and is valid only for the operator and fixed location for which it is issued. A produce stand permit is required if it is a fixed nonmovable stand. A mobile cart permit is required if the produce is removed from the location each day. Seasonal produce stands require a seasonal permit. Except as may be hereafter provided by law, each location at which a mobile produce vehicle operates shall require a separate food service permit. (HDR 23 §2(1), 1-16-86)

R5.08.040 General requirements for employees and operators. All employees and operators shall have valid food and beverage service worker's permits, wear clean outer garments, maintain personal cleanliness, and conform to good hygienic practices while on duty. (HDR 23 §2(2), 1-16-86)

R5.08.050 Wholesome food required. Only food which is clean, wholesome, free from spoilage and adulteration shall be sold. (HDR 23 §2(3), 1-16-86)

R5.08.060 Fruits and vegetables. Only whole fruits and vegetables may be sold and no cutting of fruit such as melons, or sale of cut fruits will be permitted unless all applicable provisions of the food-service ordinance are complied with. The provision is not intended to preclude any necessary trimming of vegetables such as lettuce or cabbage. (HDR 23 §2(4), 1-16-86)

R5.08.070 Sanitary premises required. Premises and surroundings shall be kept in a clean, sanitary condition. All equipment and utensils shall be kept clean. (HDR 23 §2(5), 1-16-86)

R5.08.080 Storage and display of wares. All fruit and vegetables shall be stored or displayed at least eighteen (18) inches above ground level and in such a manner as to protect food from contamination by splash, foot traffic, dust, animals, or other means. (HDR 23 §2(6), 1-16-86)

R5.08.090 Unattended or overnight storage. Produce may not be displayed unattended or stored overnight except in a clean, completely enclosed rodent-proof vehicle or structure. (HDR 23 §2(7), 1-16-86)

R5.08.100 Drainage and protection from dust contamination. Unsurfaced areas around the vehicle or building shall be graded to drain, and shavings, gravel or other acceptable measures used to reduce dust contamination. (HDR 23 §2(8), 1-16-86)

R5.08.110 Garbage and refuse disposal and storage. Garbage and refuse shall be kept in tightly covered, water-tight containers until removed and shall be disposed of daily in a place and manner that does not create a public health hazard. (HDR 23 §2(9), 1-16-86)

R5.08.120 Liquid waste disposal. Liquid waste shall be disposed of in a public sewer or in the absence of a public sewer in a method which complies with the applicable local and state rules and regulations. All plumbing must also comply with such applicable regulations. (HDR 23 §2(10), 1-16-86)

R5.08.130 Toilet facilities. Convenient toilet and handwashing facilities shall be available for the use of employees within three hundred feet (300') of employee work areas. If such facilities are not located on the premises, the permit applicant must submit to the health officer written proof of availability of restroom facilities. Such facilities must be available at all times when the fruit and vegetable establishment is in operation, and shall be equipped with hot and cold or tempered running water,

hand-cleaning soap or detergent, and sanitary towels or hand-drying device. (HDR 23 §2(11), 1-16-86)

R5.08.140 Plan review. Building and site plans for fresh fruit and vegetable food establishments must be submitted to the health authority prior to the issuance of a permit where required by local regulations, when the building is of a permanent nature. (HDR 23 §2(12), 1-16-86)

R5.08.150 Notice of violation. Notice of violations of this chapter will be in writing. Violations must be corrected within a specified time not to exceed three (3) days. Failure to comply with such notice shall result in the immediate suspension of the establishment permit. Application for reinstatement may be made pursuant to procedures set forth in the Food Code. (HDR 23 §2(13), 1-16-86)

Chapter R5.11

MODIFIED ATMOSPHERE PACKAGING

Sections:

- R5.11.010 Definitions.
- R5.11.020 When permitted generally.
- R5.11.030 When permitted with acceptable controls.
- R5.11.040 Special requirements.
- R5.11.050 Aquatic foods.
- R5.11.060 Person in charge.
- R5.11.070 Labeling.
- R5.11.080 Expired foods.

R5.11.010 Definitions. The following words and phrases used in this chapter shall mean as follows:

A. "Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of foodborne illness by:

1. Identifying hazards of high-risk foods;
2. Assessing the hazards posed by each preparation step;
3. Determining the critical points for controlling hazards;
4. Implementing immediate and appropriate action when control criteria are not met; and
5. Monitoring critical control points.

B. "Modified atmosphere packaging" means a process in which food is encased in an impermeable or partially permeable membrane and a partial or complete vacuum is attained or a gas or mixture of gasses is substituted for the

air surrounding the food. This definition excludes hermetically sealed containers.

C. "pH" means a measure of the amount of acid in a food product.

D. "Perishable food" means foods other than potentially hazardous foods that deteriorate or spoil due to loss of moisture and/or growth of molds and bacteria.

E. "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting: (1) the rapid and progressive growth of infectious or toxigenic microorganisms, or (2) the slower growth of *Clostridium botulinum*. Included is any food of animal origin either raw, cooked or processed, and certain foods of plant origin which have been cooked including but not limited to potato products, legumes and rice. Excluded are the following:

1. Foods with a water activity (A_w) value of 0.90 or less;

2. Foods with a pH level of 4.6 or below;

3. Foods, in unopened hermetically sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and

4. Foods for which laboratory evidence (acceptable to the health officer) demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

F. "Smoked" means smoke is added as a flavoring or preservative during the cooking process.

G. "Water activity" means a measure of the amount of moisture in a food available for bacterial growth. (HDR 28 §1, 6-20-91)

R5.11.020 When permitted generally. Modified atmosphere packaging in retail food service establishments is permitted only for the following:

1. Nonpotentially hazardous foods;

2. Raw meat;

3. Natural hard and semisoft cheeses containing live starter culture organisms;

4. Foods which are rapidly frozen and are stored frozen until heated or thawed for service; foods frozen under this subsection shall meet the following cooling and freezing requirements:

a. Cooling foods from one hundred forty degrees Fahrenheit (140° F) to forty-five degrees Fahrenheit (45° F) or below within four (4) hours,

b. Cooling foods to below thirty-eight degrees Fahrenheit (38° F) within twelve (12) hours, and

c. Freezing foods completely to below ten degrees Fahrenheit (10° F) within twenty-four (24) hours. (HDR 28 §2(part), 6-20-91)

R5.11.030 When permitted with acceptable controls.

The health officer may allow foods in addition to those listed in Section R5.11.020 to be modified atmosphere packaged only if an approved hazard analysis critical control point based procedure which controls the growth of Clostridium botulinum is in place. Acceptable controls would be:

- A. Controlling water activity (Aw) below 0.93; or
- B. Controlling pH level below 4.6; or
- C. Using meats or meat products, poultry or poultry products properly processed in a plant regulated by USDA and received in an intact package prior to modified atmosphere packaging; or
- D. Properly curing the food on the site using a standard recipe approved by the health officer with an initial sodium nitrite concentration of one hundred twenty parts per million (120 ppm) and three and five-tenths percent (3.5%) brine concentration. The water activity, pH or nitrite and brine concentration must be confirmed in a certified lab;
- E. Properly processing uncured meats or poultry on-site. (HDR 28 §2(part), 6-20-91)

R5.11.040 Special requirements. Whenever foods are modified atmosphere packaged under Section R5.11.030, the health officer shall require all of the following:

- A. Store the food at thirty-eight degrees Fahrenheit (38° F) or below.
- B. Sell the food within fourteen (14) days of processing.
- C. The fourteen (14) day sell-by date may not extend past the original processor's shelf life.
- D. Establish critical control points during processing, packaging and storage;
- E. The hazard analysis critical control based procedure for each food shall be submitted to the health department for review prior to any modified atmosphere packaging. Monitoring shall include any or all of the following information:
 - 1. Routine laboratory testing;
 - 2. Refrigerated storage temperatures after packaging;
 - 3. Measurement of temperatures if a smoking or cooking process is used; and
 - 4. Other information as requested by the health officer.
- F. Maintain accurate records of monitoring in subsection E of this section for the health officer. (HDR 28 §2(part), 6-20-91)

R5.11.050 Aquatic foods. Modified atmosphere packaging of aquatic foods, including fish, is prohibited in retail food-service establishments, except for aquatic foods which are rapidly frozen and are stored frozen until thawed for use, or for aquatic foods processed where water activity or pH are controlled or nitrites are used as per Section R5.11.030. (HDR 28 §2(part), 6-20-91)

5.11.060 Person in charge. The food-service establishment owner shall designate a person in charge of modified atmosphere packaging operations. The person in charge shall ensure all control measures are complied with. (HDR 28 §2(part), 6-20-91)

R5.11.070 Labeling. A. Modified atmosphere packaged foods produced or packaged in a food-service establishment under Section R5.11.030 of this section shall be properly labeled as follows:

1. "Keep refrigerated at 38° F. or below and use within 7 days of purchase, unless frozen"; and
2. "Sell by month/day/year" with the date established within fourteen (14) days of packaging.

B. Labeling exemptions: Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempt from meeting labeling requirements contained in subsection A of this section. (HDR 28 §2(part), 6-20-91)

R5.11.080 Expired foods. A. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging must be destroyed, except prior to that time, modified atmosphere packaged foods may be:

1. Frozen; or
2. Removed from the packaging and used in the food-service establishment.

B. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging are prohibited from sale in salvage operations. (HDR 28 §2(part), 6-20-91)

Chapter R5.12

TEMPORARY FOOD-SERVICE ESTABLISHMENTS

Sections:

R5.12.010 Definitions.

- R5.12.020 Permit issuance.
- R5.12.030 Hours and days of business.
- R5.12.040 Application for permit.
- R5.12.050 Suspension of permit.
- R5.12.060 Compliance--Additional requirements.
- R5.12.070 Classifications.
- R5.12.080 Food preparation.
- R5.12.090 Food protection.
- R5.12.100 Ice--Water.
- R5.12.110 Food equipment.
- R5.12.120 Single-service articles.
- R5.12.130 Construction requirements.
- R5.12.140 Plumbing facilities.
- R5.12.150 Wastewater.
- R5.12.160 Garbage.
- R5.12.170 Health cards.

R5.12.010 Definitions. The following words and phrases used herein shall mean as follows:

A. "Temporary food-service establishment" means a food-service establishment that operates at affixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration, such as a fair, carnival, circus, or public exhibition. (HDR 22 §1, 8-15-83)

R5.12.020 Permit issuance. Temporary food-service establishment permits shall be issued only to establishments that are recognized participants in the event by the event organizers or that are located within three hundred feet (300') from a recognized participant. (HDR 22 §2, 8-15-83)

R5.12.030 Hours and days of business. Hours and days of business must be the same as those of the event. (HDR 22 §3, 8-15-83)

R5.12.040 Application for permit. A. Any person desiring to operate a temporary food-service establishment, shall submit a written application to the department, on a form to be provided by the health officer, for a permit for such operation. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners; the location and type of the proposed foodservice establishment; the inclusive dates of the proposed operation; the proposed menu of the establishment; the proposed methods of preparation and service of the foods and beverages intended to be served; and such other information as the health officer deems necessary; and shall be accompanied by the permit fee amount described in Seattle Municipal Code Section 10.03.110A or subsection A of Section 5.68.020 of this code (Temporary food-service establishment).

B. All equipment to be used, including but not limited to refrigeration units, sinks, grills, and utensils, must be made available for inspection by the health officer upon request. After the health officer has inspected and approved the equipment to be used in such food service establishment, no other equipment may be substituted therefor without prior inspection and approval of the health officer.

C. After the health officer has approved the menu of food and beverages to be served and methods of preparation and service, no substitutions will be allowed without prior approval by the health officer.

D. No applicant shall be eligible to receive a temporary food-service establishment permit unless the application for such permit is received by the health officer at least fourteen (14) calendar days prior to the first day of the event.

E. When inspection reveals that the applicable requirements of this chapter, and directives of the health officer have been met and the applicable permit fee has been paid, a permit shall be issued to the applicant by the health officer. (HDR 22 §4, 8-15-83)

R5.12.050 Suspension of permit. The health officer may, without warning or hearing, suspend any permit to operate a food-service establishment if the permittee does not comply with the requirements of this title, or the lawful directives of the health officer, or if the operation of the establishment is not in compliance with the requirements of this title, or if violations of this title have not been corrected within the time specified in an inspection report; provided, that the health officer shall suspend the permit of a food-service establishment whenever he finds that the operation of such food-service establishment constitutes a substantial hazard to public health. Suspension is

effective upon service of written notice. When a permit is suspended, food service operations shall immediately cease. (HDR 22 §5, 8-15-83)

R5.12.060 Compliance--Additional requirements. A temporary food-service establishment shall comply with the requirements of this rule, except as otherwise provided in this chapter. The health officer may impose additional requirements to protect against health hazards related to the conduct of temporary food-service establishments, may prohibit the sale of some or all potentially hazardous foods, and may waive or modify requirements of this rule when, in his/her opinion, a health hazard is not likely to result from such waiver or modification. (HDR 26 §1, 6-20-91)

R5.12.070 Classifications. A. "Low-hazard operation" means a temporary food-service establishment that serves only nonpotentially hazardous foods which require no preparation at the event, and hot dogs and cotton candy.

B. "High-hazard operation" means a temporary food-service establishment that serves either potentially hazardous foods or foods which require preparation at the event.

C. "Saturday Market" means a temporary food-service establishment that operates at a fixed location for not more than fourteen days during a period of no more than three (3) consecutive months in conjunction with weekend events sponsored by an organized community group. (HDR 26 §2, 6-20-91)

R5.12.080 Food preparation. Food preparation shall be simplified to reduce or eliminate hazardous food preparation steps identified by hazard analysis.

A. The health officer may review food preparation steps of any menu item being prepared at the temporary food booth and at the commissary/restaurant, and may modify the food preparation steps, if necessary, to assure safe food.

B. Cooling: Foods that require cooling shall be cooled only at the commissary/restaurant. Cooling foods in the temporary food booth is prohibited.

C. Portioning/bulk dispensing: i.e., slicing, laddling, spooning, scooping.

1. Foods shall be dispensed using clean/sanitized utensils.

2. Utensils shall be changed at intervals approved by the health officer.

3. Use of a three-compartment sink or a commercial dishwasher is required for proper dishwashing of reusable

utensils and equipment.

4. Cleaning and sanitizing of utensils must be in conformance with Section R5.12.140(B).

5. Dispensing of hard ice cream in bulk shall also require dipper wells with running water from an approved source.

D. Menu Limitations. Number of menu items may be limited by the health officer based on the types of foods served and the extent of food preparation. (HDR 26 §3, 6-20-91)

R5.12.090 Food protection. A. Food shall be protected at all times from potential contamination such as dust, flies, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leaks.

B. Potentially hazardous foods shall be kept at safe temperatures at all times: hot, one hundred forty degrees Fahrenheit (140° F) or above; or cold, forty-five degrees Fahrenheit (45° F) or below.

C. Foods on display shall be protected from consumer contamination by the use of packaging, by the use of enclosed display cases, by the use of protective shields commonly known as sneeze guards, or by covering the food items with a protective wrap or cover.

D. There shall be no customer self-service of any un-packaged/unwrapped foods. (HDR 26 §4, 6-20-91)

R5.12.100 Ice--Water. A. Ice for consumption shall be from an approved source. Ice shall be dispensed from the original package with use of proper dispensing utensils or gravity dispenser. Ice scoop handles shall not contact ice.

B. Water shall be from an approved source. If pressurized water is plumbed on site, fixtures must be protected from cross-contamination. (HDR 26 §5, 6-20-91)

R5.12.110 Food equipment. A. Hot holding equipment must maintain foods at an internal temperature of one hundred forty degrees Fahrenheit (140° F) or above.

B. Refrigeration must maintain food at an internal temperature of forty-five degrees Fahrenheit (45° F) or below. A thermometer is required.

1. Commercial mechanical refrigeration equipment is preferred.

2. Dry ice and refreezable ice is allowed with insulated containers.

3. Storage of food in direct contact with wet ice is prohibited, except for canned or bottled, nonpotentially hazardous beverages.

C. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. They shall be stored six inches above the floor in a clean dry location that protects them from contamination by splash, dust and other means.

D. Food contact surfaces of equipment and utensils shall be easily cleanable and there shall be no reuse of unclean equipment or utensils.

E. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

F. Dangerous equipment, such as deep fryers and barbecues, shall be located at least three feet from public access. (HDR 26 §6, 6-20-91)

R5.12.120 Single-service articles. A. All temporary food-service establishments, with or without effective facilities for cleaning and sanitizing tableware, shall provide only single-service articles for use by the consumer.

B. Single-service articles such as disposable knives, spoons and forks shall be stored off the floor in closed cartons or containers and shall be handled and dispensed in a manner that will prevent contamination by splash, dust and other means.

C. If single-service tableware is not prewrapped or prepackaged, single-service tableware holders shall be provided to protect it from contamination and present the handle of the utensil to the consumer.

D. Reuse of single-service articles is prohibited. (HDR 26 §7, 6-20-91)

R5.12.130 Construction requirements. A temporary food-service establishment shall meet the following construction requirements; however, construction requirements may be waived or modified by the health officer if all foods are suitably protected from contamination during storage, preparation, display and service.

A. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Other suitable material may be used if it provides adequate drainage and dust protection.

B. Overhead protection shall be provided, and constructed of a suitable, weatherproof material.

C. Walls shall be constructed in a way that prevents public access and provides food protection. Counter service areas must provide protection from contamination.

D. Barbecues may be used without overhead protection to ventilate smoke; however, public access must not be closer than three (3) feet.

E. Safety precautions shall be required as deemed necessary by the health officer. (HDR 26 §8, 6-20-91)

R5.12.140 Plumbing facilities. A. Handwashing is required in all food booths. A minimum two (2) gallon insulated container filled with hot water with a spigot, a tub/bucket for wastewater, pump soap and paper towels are acceptable minimum handwashing facilities.

B. A three (3) compartment sink or a commercial dishwasher is required when equipment and utensils are reused on the site.

1. Each compartment of the sink must be of adequate size to accommodate the largest utensil used.

2. Pressurized hot and cold running water from an approved source must be available to the sinks.

3. The sinks must be within seventy-five (75) feet of the food booths. Common use sinks must be adequate to meet user demands.

4. A utility sink may be required for high-volume wastewater disposal.

5. Detergent and approved sanitizer must be maintained and used at the sinks at all times.

C. Toilet facilities available to the food service workers must be located within one hundred fifty (150) feet of the temporary food-service establishment booths. Toilet facilities must be equipped with handwashing sinks with hot and cold or tepid running water, hand-cleansing soap and sanitary towels. (HDR 26 §9, 6-20-91)

R5.12.150 Wastewater. Disposal of wastewater onto the surface of the ground is prohibited. Wastewater must be properly disposed of in an approved sanitary sewer. Portable plumbing facilities shall hold wastewater in holding tanks or other vessels which can be pumped out and/or emptied properly in a sanitary manner. (HDR 26 §10, 6-20-91)

R5.12.160 Garbage. Adequate refuse containers must be provided for garbage disposal. Containers must be covered when not in continual use. Containers must be emptied frequently to prevent overflow. (HDR 26 §11, 6-20-91)

R5.12.170 Health cards. All persons involved in food handling shall obtain a valid food and beverage service worker permit prior to working in a temporary food-service establishment. (HDR 26 §12, 6-20-91)

Chapter R5.36
TOILET FACILITIES

Sections:

R5.36.010 Toilet requirements.

R5.36.010 Toilet requirements. A. Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its personnel. Employee toilet facilities must be provided for each sex whenever more than four (4) people are employed and such employees are not of the same sex.

B. Toilet facilities for patrons shall be required in the following instances:

1. When liquor is consumed on the premises.
2. When food is consumed on the premises and there are more than twelve (12) seats, or other similar provisions for twelve (12) persons for consumption on premises.

C. Toilet facilities shall include a minimum of one (1) toilet and one (1) handwashing facility for each sex, and at least one (1) urinal for males. Minimum number of toilet fixtures in food-service establishments must conform to Appendix C of the Seattle-King County Plumbing Code.

D. Toilet facilities for patrons shall be available when the establishment is in operation, shall be within one hundred fifty (150) feet of the establishment in the same building, and shall be no more than one (1) flight of stairs from the work area or dining area of the establishment.

E. In establishments with twelve (12) seats or less, the toilet facility provided for the employees shall also be accessible to the patrons provided that the patrons' access to the restroom does not interfere with any part of the food-service operation.

F. Drive-in type establishments which do not have inside seating, but have more than six (6) parking stalls, shall provide patrons with toilet facilities for each sex.
(HDR 25 §1, 6-20-91)

Chapter R5.65FOOD DEMONSTRATION AND FOOD PROMOTIONSections:

- R5.65.010 Compliance generally--Additional requirements.
- R5.65.020 Permits required--Location.
- R5.65.030 Food preparation and protection.
- R5.65.040 Food dispensing.
- R5.65.050 Waste--Personal sanitation.

R5.65.010 Compliance generally--Additional requirements. Food demonstrations and food promotions shall comply with the requirements of Seattle Municipal Code Title 10, except as otherwise provided in this chapter. The health officer may impose additional requirements to protect against health hazards related to the conduct of food demonstrations and food promotions, may prohibit the serving of some or all potentially hazardous foods and may waive or modify requirements of this rule when, in his/her opinion, a health hazard is not likely to result from such waiver or modification. (HDR 24 §1, 6-20-91)

R5.65.020 Permits required--Location. A. A food demonstrator permit is required for any business which provides personnel who conduct food demonstrations.

B. A food promoter permit is required for any business which provides personnel who conduct food promotions.

C. A food demonstration or food promotion must take place in a food service establishment under permit with the department or under the sponsorship of such food service establishment, in an area immediately adjacent to and under the control of the establishment. In addition, a food promotion may take place at other special events.

D. The person conducting the food demonstration or food promotion must have a copy of a valid food demonstration or food promotion permit on the site.

E. Each person engaged in food demonstration or food promotion must have a valid food and beverage service worker's permit. (HDR 24 §2, 6-20-91)

R5.65.030 Food preparation and protection. A. All food must be from an approved source.

B. If any food preparation is performed prior to food demonstration, it shall be done in an approved food preparation area.

C. Food preparation at the demonstration site shall be limited to portioning, cooling and reheating the foods.

D. Potentially hazardous foods must be served within thirty minutes following preparation unless kept at temperatures at or above one hundred forty degrees Fahrenheit (140° F) or below forty-five degrees Fahrenheit (45° F).

E. Foods on display shall be protected from potential contamination by the use of protective shields, such as sneeze guards, dome covers or plastic wrap.

F. Food preparation at food promotions shall be limited to cooking and hot holding of hot dogs. (HDR 24 §3, 6-20-91)

R5.65.040 Food dispensing. A. To avoid unnecessary manual contact with food, suitable utensils shall be used, such as:

1. Single-service tableware, to be discarded frequently if used for portioning; or
2. Single-service tableware, to be dispensed with each consumer's serving and not reused; or
3. Clean and sanitized utensils, stored in the food with the handle extended out of the food, and replaced at frequent intervals. Exception: Scooping frozen deserts with a reusable scoop requires a running water dipper well.

B. Consumer servings must be served in single-service articles or be separated in such a way that customers will not contact portions to be served to others. (HDR 24 §4, 6-20-91)

R5.65.050 Waste--Personal sanitation. A. All wiping cloths shall be sanitized and stored in a sanitizer.

B. Approved toilet and handwashing facilities must be available in the food service establishment in which the food demonstration or food promotion is held.

C. Temporary handwashing facilities shall be provided if the food demonstration or food promotion site is outdoors, or farther than one hundred fifty (150) feet from a food service establishment or on another floor. An acceptable temporary handwashing facility is comprised of a minimum two (2) gallon insulated container filled with hot water with a spigot, a tub/bucket for wastewater, pump soap and paper towels.

D. Leakproof containers must be available for disposal of waste from the food demonstration or food promotion. (HDR 24 §5, 6-20-91)

Title R6

MEAT*

Chapters:

- R6.04 Meat Cut Designations
- R6.26 Modified Atmosphere Packaging for Meat, Poultry, Rabbit and Aquatic Food Establishments

Chapter R6.04

MEAT CUT DESIGNATIONS

Sections:

- R6.04.010 Beef.
- R6.04.020 Buffalo or horse.
- R6.04.030 Pork.
- R6.04.040 Lamb.
- R6.04.050 Mutton.
- R6.04.060 Veal.
- R6.04.070 Calf.

R6.04.010 Beef. Descriptions of beef meat cuts for labeling and advertising shall be as set out in this section:

- A. The word "Beef" and the cut of meat must appear on the label of each package.
- B. Ground beef:
 - 1. "Ground Beef": thirty percent (30%) maximum allowable fat;
 - 2. "Lean Ground Beef": twenty-three percent (23%) maximum allowable fat;
 - 3. "Extra Lean Ground Beef": sixteen percent (16%) maximum allowable fat;
 - 4. "Leanest Ground Beef": nine percent (9%) maximum allowable fat;
 - 5. The amount of fat need not appear on the label but may be put on if desired.
- C. Front Quarter.

* **Editor's Note:** For board rules and regulations relevant to the administrative rule set out herein, look for a preceding title of the same number not prefixed by "R."

1. Brisket:
 - Beef Brisket,
 - Beef Brisket, Boneless;
2. Chuck:
 - Beef Arm Roast,
 - Beef Arm Roast Boneless,
 - Beef Blade Roast,
 - Beef Arm Chuck Steak,
 - Beef Arm Chuck Steak Boneless,
 - Beef Blade Chuck Steak,
 - Beef Chuck Steak Boneless,
 - Beef Chuck Roast Boneless,
 - Beef Cross Rib Roast,
 - Beef Cross Rib Roast, Boneless,
 - Beef Chuck Top Clod Roast,
 - Beef Chuck Top Clod Steak,
 - Beef Chuck Short Ribs,
 - Beef Chuck Flat Ribs,
 - Beef "7 Bone" Chuck Roast (that portion of the blade showing distinct figure "7"),
 - Beef "7 Bone" Chuck Steak (that portion of the blade showing distinct figure "7"),
 - Beef Chuck Mock Tender;
3. Neck:
 - Beef Neck, Boneless,
 - Beef Neck Bones,
 - Beef Neck,
 - Beef Neck Roast;
4. Plate:
 - Beef Plate,
 - Beef Plate Bone-in Cured,
 - Beef Plate Boneless,
 - Beef Plate Boneless Cured,
 - Beef Plate Short Ribs,
 - Beef Plate Ribs;
5. Rib:
 - Beef Rib Steak (when advertised, length of cut must be specified, measurement to be determined from inside of chine),
 - Beef Rib Steak Boneless (all bone removed),
 - Beef Rib Eye Roast (eye only, seamed out),
 - Beef Rib Eye Steak (eye only, seamed out),
 - Beef Rib Roast Boneless,
 - Beef Rib Roast Boneless Rolled,
 - Beef Spencer Steak (boneless rib, cap removed),
 - Beef Spencer Roast (boneless rib, cap removed),
 - Beef Spencer, Whole,
 - Beef Rib Roast (specify, large or small end of rib, if price differential exists). When advertised, length of cut must be specified, measurement to be determined from inside of chine,
 - Beef Rib Short Rib;

D. Hind Quarter.

1. Flank:
 - Beef Flank Meat,
 - Beef Flank Steak, Stuffed (ingredients of stuffing must be on package label or face of package),
 - Beef Flank Steak;
2. Round:
 - Beef Top Round Steak,
 - Beef Top Round, Bone-in,
 - Beef Bottom Round Steak,
 - Beef Bottom Round Steak, Bone In,
 - Beef Round Steak Full Cut,
 - Beef Round Steak (if no full cut, specify),
 - Beef Round Steak Full Cut, Boneless,
 - Beef Bottom Round Roast,
 - Beef Eye Round Roast,
 - Beef Eye Round Steak,
 - Beef Heel of Round, Boneless,
 - Beef Heel of Round, Bone In,
 - Beef Top Round Roast,
 - Beef Top Round Whole,
 - Beef Round Roast, Full Cut, Bone In (unless ad specifies boneless);
3. Rump:
 - Beef Rump Roast,
 - Beef Rump Roast, Boneless,
 - Beef Rump Roast Watermelon Cut (that portion of beef cut which is an extension of the top round),
 - Beef Rump Roast Watermelon Cut, Boneless,
 - Beef Rump Steak;
4. Shank (fore or hind):
 - Beef Shank,
 - Beef Shank Boneless,
 - Beef Shank Bone;
5. Short Loin:
 - Beef T-bone Steak,
 - Beef Porterhouse Steak (not to exceed the first three (3) cuts of average thickness from large end of short loin),
 - Beef Short Loin Whole,
 - Beef Club Steak (small end of short loin),
 - Beef New York Steak (strip short loin, short loin boneless tenderloin removed),
 - Beef New York Strip Whole,
 - Beef Top Loin Steak Bone In;
6. Sirloin Butt or Sirloin Tip:
 - Beef Top Sirloin Steak, Boneless,
 - Beef Top Sirloin Steak, Bone In,
 - Beef Sirloin Steak Full Cut (bone in, tenderloin not removed),
 - Beef Sirloin Tip Steak,
 - Beef Tenderloin Steak,

Beef Tenderloin,
 Beef Butt Tenderloin,
 Beef Sirloin Roast, Full Cut,
 Beef Sirloin Tip Roast,
 Beef Sirloin Tip Whole,
 Beef Sirloin Tip Roast, Bone In,
 Beef Top Sirloin Roast, Boneless,
 Beef Top Sirloin Whole;
 7. Miscellaneous:
 Beef Back Ribs,
 Beef Brains,
 Beef Cube Steak,
 Beef Fries,
 Beef Hanging Tender,
 Beef Heart,
 Beef Kidney,
 Beef Knuckle Bone,
 Beef Liver,
 Beef Liver Sliced,
 Beef Liver Trimmings,
 Beef Marrow Bones,
 Beef Rib Bones,
 Beef Ribs,
 Beef Round Corned (top or bottom),
 Beef Sausage, (ingredients and seasoning, if
 used),
 Beef Short Ribs,
 Beef Short Ribs Boneless,
 Beef Skirt Steak,
 Beef Soup Bone,
 Beef Stew Meat,
 Beef Suet,
 Beef Sweetbreads,
 Beef Tails,
 Beef Tongue,
 Beef Tongue Cured,
 Beef Tongue Smoked,
 Beef Tripe,
 Corned Beef Brisket Boneless,
 Ground Beef Chili Meat (coarse ground, maximum
 thirty percent (30%) fat),
 Ground Beef Patties (maximum thirty percent (30%)
 fat),
 Ground Beef Patties, (ingredients),
 Meat Loaf: ingredients, seasoning, if used,
 Ox Tails,
 Beef Half, quarters must be specified, two (2)
 front, two (2) hind, one (1) front, one (1) hind,
 Beef Quarter, front or hind quarter,
 Beef Side, front and hind quarter.
 (HDR 20 §1(part), 11-3-82)

R6.04.020 Buffalo or horse. Terminology for cuts of buffalo or horse shall be the same as those for beef. Delete the word "Beef" and use the word "Buffalo" or the word "Horse" in front of the cut of meat. Example: "Buffalo Arm Roast," "Horse Rib Steak Boneless." (HDR 20 §1(part), 11-3-82)

R6.04.030 Pork. Description of pork meat cuts for labeling and advertising shall be as follows:

A. The word "Bacon, "Ham" or "Pork" and the cut of meat must appear on the label of each package;

B. Bacon (belly):

Bacon Ends,
Bacon, Piece (brand and average weight of whole slab),
Bacon, Slab (brand and average weight of whole slab),
Bacon, Sliced (brand),
Bacon Squares (jowls),
Bacon Side Pork (sliced or piece),
Bacon, Rindless (same as sliced or piece bacon, whichever applicable);

C. Leg or Ham:

Ham, Butt Half (average weight of whole ham),
Ham, Shank Half (average weight of whole ham),
Ham, Whole (average weight of whole ham),
Boneless Ham (brand, whole, half or average weight quarter),
Ham, Roast,
Ham, Slice,
Ham Slice Boneless,
Ham, Butt Portion (average weight of whole ham),
Ham, Shank Portion (average weight of whole ham),
Pork Leg (average weight of whole leg),
Pork Leg, Boneless (whole, half or portion),
Pork Leg, Butt Portion (average weight of whole leg),
Pork Leg, Butt Half (average weight of whole leg),
Pork Leg, Shank Half (average weight of whole leg),
Pork Leg Roast (average weight of whole leg),
Pork Leg Steak,
Ham, Fruited (brand, average weight of whole ham),
Ham, Fully Cooked Butt Half (average weight of whole ham),
Ham, Fully Cooked Shank Half (average weight of whole ham),
Whole Ham Fully Cooked (average weight of whole ham),
Ham Hocks,
Ham Sliced,
Prosciutti Ham (dry cured Italian style ham),
Smithfield Ham,

Ham, Water Added (portion or whole under ten percent (10%)),

Ham, Imitation (portion or whole over ten percent (10%));

D. Loin:

Pork Loin Whole (average weight of whole loin),
 Pork Loin Top Loin Roast Boneless,
 Pork Chops Boneless,
 Pork Loin Boneless (with tenderloin),
 Pork Crown Roast (rib section of pork loin, rib bones must be frenched (extension of bone above meat) then formed in a crown. When advertised, the average weight of the loin must be stated in the ad),

Pork Loin, Rib Half (average weight of whole loin),
 Pork Loin, Loin Half (average weight of whole loin),
 Pork Rib Chops, Stuffed (label stuffing ingredients),
 Pork Loin Chops, Stuffed (label stuffing ingredients),

Pork Chops, Stuffed (label stuffing ingredients),
 (equally divided loin and rib chops at same price),

Pork Loin Chops Boneless,
 Pork Loin Chops (from last rib to pin bone),
 Pork Rib Chops (any rib chop minus the blade),
 Pork Chops (equally divided loin and rib chops at same price),

Pork Rib Chops Smoked (average weight of whole loin),
 Pork Loin Chops Smoked (average weight of whole),
 Pork Chops Smoked (equally divided loin and rib chops at same price),

Pork Sirloin Steak,
 Pork Loin End Roast (average weight of portion),
 Pork Loin Rib End Roast (average weight of portion),
 Pork Loin Smoked Loin End (average weight of portion),

Pork Loin Roast Smoked (average weight of whole loin),

Pork Loin Smoked, Rib End (average weight of portion),

Pork Loin, One-quarter Sliced (Identify end, loin end or rib end. When advertising state average weight of whole loin),

Pork Loin, One-quarter Sliced, Chops and Steaks Mixed (when advertising state average weight of whole loin);

E. Shoulder, Butt, Picnic:

Pork Shoulder Butt,
 Pork Shoulder Butt Boneless,
 Pork Boston Butt (pork shoulder, blade portion, neck bone removed),

Pork Shoulder Blade Roast Boneless,

Pork Picnic,

Pork Picnic Boneless,

Pork Hocks,
 Pork Hocks Smoked,
 Pork Shoulder (whole shoulder),
 Pork Shoulder (whole shoulder) Boneless,
 Picnic Fruited Smoked,
 Picnic Smoked Fully Cooked (average weight of whole),
 Pork Blade Roast,
 Pork Arm Roast,
 Pork Blade Steak,
 Pork Arm Steak,
 Smoked Picnics (average weight of whole),
 Smoked Picnic Sliced (average weight of whole),
 Smoked Picnic Boneless (average weight of whole),
 Smoked Pork Shoulder Butt, Boneless,
 Smoked Pork Shoulder Butt;
 F. Miscellaneous:
 Canadian Bacon (slab or sliced),
 Canadian Style Bacon (back),
 Canned Ham (average weight),
 Canned Picnic,
 Canned Pork Shoulder,
 Corned Pork Butt,
 Corned Pork Hocks,
 Corned Pork Picnic,
 Corned Pork Shoulder,
 Corned Pork Spare Ribs (average weight of whole),
 Cottage Butt (boneless blade pork shoulder),
 Country Style Pork Sausage (ingredients),
 Country Style Spare Ribs (loin of pork),
 Country Style Spare Ribs Boneless (loin of pork),
 Dry Salt Jowls,
 Dry Salt Pork,
 Fresh Side Pork (sliced or piece),
 Ground Pork,
 Ham Fat,
 Ham Ground,
 Ham Loaf (ingredients),
 Hog Maws,
 Pickled Pigs Feet,
 Pig Ears,
 Pig Feet,
 Pig Feet Smoked,
 Pig Head,
 Piglet (whole pig plus head),
 Pig Tails,
 Pork Back Fat,
 Pork Back Ribs,
 Pork Back Ribs Smoked,
 Pork Boneless,
 Pork Bones,
 Pork Brains,

Pork Brisket,
 Pork Cheek Meat,
 Pork Chitterlings,
 Pork Cube Steak,
 Pork Cutlets,
 Pork Hearts,
 Pork Jowls Smoked,
 Pork Kidneys,
 Pork Leaf Lard,
 Pork Link Sausage (ingredients),
 Pork Liver,
 Pork Melts,
 Pork Neck Bones,
 Pork Neck Bones Smoked,
 Pork Sausage (ingredients),
 Pork Shanks Smoked,
 Pork Side (one side of whole pig),
 Pork Skins Fresh,
 Pork Skins Smoked,
 Pork Snouts,
 Pork Spare Ribs (average weight of whole. Examples:
 "under 4 pounds," "4-6 pounds," "over 6 pounds"),
 Pork Spare Ribs, Barbecued (average weight of whole),
 Pork Spare Ribs, Smoked (average weight of whole),
 Pork Tenderloin,
 Pork Tongue,
 Pork Tongue, Cured,
 Pork Tongue, Smoked,
 Pork For Kabobs,
 Smoked Ham For Kabobs,
 Whole Pig (both sides minus head).
 (HDR 20 §1 (part), 11-3-82)

R6.04.040 Lamb. Descriptions of lamb meat cuts for labeling and advertising shall be as set out in this section:

- A. The word "Lamb" and the cut of meat must appear on the label of each package;
- B. Breast and Shank:
 - Lamb Breast,
 - Lamb Breast Boneless,
 - Lamb Breast Stuffed (if other than pure ground lamb is used, ingredients must be stated),
 - Lamb Riblets (brisket off, ribs only),
 - Lamb Shank;
- C. Leg:
 - Lamb Leg,
 - Lamb Leg Boneless,
 - Lamb Leg, Butt Half,
 - Lamb Leg, Shank Half,
 - Lamb Leg, Butt Portion,

Lamb Leg Roast,
 Lamb Leg, Shank Portion,
 Lamb Leg Steaks;
 D. Loin:
 Lamb Kidney Chops,
 Lamb Sirloin Steak,
 Lamb Sirloin Steaks Boneless,
 Lamb Loin Chops,
 Lamb Loin Chops Boneless,
 Lamb Loin Roast,
 Lamb Sirloin Roast;
 E. Neck:
 Lamb Necks,
 Lamb Neck Bones;
 F. Rib:
 Lamb Crown Roast,
 Lamb Rib Chops,
 Lamb Rib Chops, French Style,
 Lamb Rib Rack,
 Lamb Rib Roast,
 Lamb Rib Roast Boneless;
 G. Shoulder:
 Lamb Arm Roast,
 Lamb Arm Steaks,
 Lamb Blade Roast,
 Lamb Blade Steaks,
 Lamb Shoulder Steaks,
 Lamb Shoulder,
 Lamb Shoulder Portion, Steaks Removed,
 Lamb Shoulder Boneless,
 Lamb Shoulder Roast Boneless (Saratoga);
 H. Miscellaneous:
 Ground Lamb,
 Lamb Cube Steak,
 Lamb Boneless (additional wording and cut may be used
 to describe methods of use. For example: "boneless shoul-
 der for stew," etc.),
 Lamb Brains,
 Lamb Fries,
 Lamb Head,
 Lamb Hearts,
 Lamb Kidneys,
 Lamb Liver,
 Lamb Patties (if seasoning is used, seasoning must be
 stated),
 Lamb Tongue. (HDR 20 §1(part), 11-3-82)

R6.04.050 Mutton. Terminology for the cuts of mutton
 shall be the same as for lamb. Delete the word "Lamb" and
 use the word "Mutton." Example: "Mutton Leg Steaks." (HDR
 20 §1(part), 11-3-82)

R6.04.060 Veal. Descriptions of veal meat cuts for labeling and advertising shall be as set out in this section:

A. The word "Veal" and the cut of meat must appear on the label of each package;

B. Breast and Shank:

Veal Breast,
Veal Breast Boneless,
Veal Brisket,
Veal Riblet (ribs only, brisket off),
Veal Shank,
Veal Short Ribs;

C. Legs and Rump:

Veal Heel Roast,
Veal Leg,
Veal Leg Boneless,
Veal Leg Round Roast,
Veal Round Steak,
Veal Round Steak Boneless,
Veal Rump,
Veal Rump Boneless,
Veal Rump Roast,
Veal Rump Roast Boneless;

D. Loin:

Veal Flank Steak,
Veal Kidney Loin Chops,
Veal Loin Chops,
Veal Loin Roast,
Veal Loin Roast Boneless,
Veal Sirloin Roast,
Veal Sirloin Roast Boneless,
Veal Sirloin Steak,
Veal Sirloin Steak Boneless,
Veal Sirloin Tip Roast,
Veal Sirloin Tip Steak,
Veal T-bone Steak,
Veal Tenderloin;

E. Rib:

Veal Crown Roast,
Veal Rib Chops,
Veal Rib Chops Boneless,
Veal Rib Roast,
Veal Rib Roast Boneless,
Veal Rib Steak;

F. Shoulder:

Veal Arm Roast,
Veal Arm Steak,
Veal Blade Roast,
Veal Blade Steak,
Veal Neck,
Veal Neck Bones,
Veal Shoulder,

Veal Shoulder Boneless,
 Veal 7 Bone Steak (that portion of the blade showing
 distinct figure "7"),
 Veal 7 Bone Roast (that portion of the blade showing
 distinct figure "7");

G. Miscellaneous:

Calf Liver,
 Ground Veal,
 Veal Brains,
 Veal Cube Steak,
 Veal Cutlet (boneless),
 Veal Hearts,
 Veal Kidneys,
 Veal Mock Chicken Legs, Ingredients,
 Veal Patties, Ingredients,
 Veal Stew Meat,
 Veal Sweetbreads,
 Veal Tongues,
 Veal For Kabobs,
 Veal or Calf Boneless (additional wording and cut may
 be used to describe method of use. For example: "Boneless
 Leg of Veal for Curry or Scalloppine"). (HDR 20 §1(part),
 11-3-82)

R6.04.070 Calf. Terminology for cuts of calf shall be
 the same as those for veal. Delete the word "Veal" and use
 the word "Calf" in front of the cut of meat. For example:
 "Calf Round Steak Boneless." (HDR 20 §1(part), 11-3-82)

Chapter R6.26

MODIFIED ATMOSPHERE PACKAGING FOR MEAT, POULTRY,
 RABBIT AND AQUATIC FOOD ESTABLISHMENTS

Sections:

R6.26.010 Definitions.
 R6.26.020 General.
 R6.26.030 Prohibited foods.
 R6.26.040 Person in charge.
 R6.26.050 Labeling.
 R6.26.060 Foods past expiration date.

R6.26.010 Definitions. The following words and
 phrases used in this chapter shall mean as follows:

A. "Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of foodborne illness by:

1. Identifying hazards of high risk foods;
2. Assessing the hazards posed by each preparation step;
3. Determining the critical points for controlling hazards;
4. Implementing immediate and appropriate corrective action when control criteria are not met; and
5. Monitoring critical control point(s).

B. "Modified atmosphere packaging" means a process in which food is encased in an impermeable or partially permeable membrane and a partial or complete vacuum is attained or a gas or mixture of gases are substituted for the air surrounding the food. This definition excludes containers which have been commercially processed to achieve and maintain commercial stability under conditions of nonrefrigerated storage and distribution.

C. "pH" means a measure of the amount of acid in a food product.

D. "Perishable food" means foods other than potentially hazardous foods that deteriorate or spoil due to loss of moisture and/or growth of molds and bacteria.

E. "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting: (1) the rapid and progressive growth of infectious or toxigenic microorganisms, or; (2) the slower growth of *Clostridium botulinum*. Included is any food of animal origin either raw, cooked or processed, and certain foods of plant origin which have been cooked including but not limited to: potato products, legumes and rice. Excluded are the following:

1. Foods with a water activity (A_w) value of 0.90 or less;
2. Foods with a pH level of 4.6 or below;
3. Foods, in unopened hermetically sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and
4. Foods for which laboratory evidence (acceptable to the health officer) demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

F. "Smoked" means smoke is added as a flavoring or preservative during the cooking process.

G. "Water activity" means a measure of the amount of moisture in a food available for bacterial growth. (HDR 29 §1, 6-26-91)

R6.26.020 General. A. When Allowed. Modified atmosphere packaging in retail meat, poultry, rabbit and aquatic food (MPRAF) establishments licensed by the Seattle-King County Department of Public Health (SKCDPH) is permitted only for the following:

1. Nonpotentially hazardous foods;
2. Raw meat;
3. Natural hard and semisoft cheeses containing live starter culture organisms;
4. Foods which are rapidly frozen and are stored frozen until heated or thawed for service. Foods frozen under this subsection shall meet the following cooling and freezing requirements:

- a. Cooling foods from one hundred forty degrees Fahrenheit (140°F) to forty-five degrees Fahrenheit (45°F) or below within four (4) hours,

- b. Cooling foods to below thirty-eight degrees Fahrenheit (38°F) within twelve (12) hours, and

- c. Freezing foods completely to below ten degrees Fahrenheit (10°F) within twenty-four (24) hours.

B. Other Foods. The health officer may allow additional foods to be modified atmosphere packaged only if an approved hazard analysis critical control point based procedure which controls the growth of *Clostridium botulinum* is in place. Acceptable controls would be:

1. Controlling water activity (Aw) below 0.93; or
2. Controlling pH level below 4.6; or
3. Using meats or meat products, poultry or poultry products properly processed in a plant regulated by USDA and received in an intact package prior to modified atmosphere packaging; or
4. Properly curing the food on-site using a standard recipe approved by the health officer with an initial sodium nitrite concentration of one hundred twenty parts per million (120 ppm) and 3.5 percent brine concentration;
 - a. The water activity, pH or nitrite and brine concentration must be confirmed in a certified lab;
5. Properly processing uncured meats or poultry on-site.

C. Additional Requirements. Whenever foods are modified atmosphere packaged under subsection B of this section, the health officer shall require all of the following:

1. Store the food at thirty-eight degrees Fahrenheit (38°F) or below;
2. Sell the food within fourteen (14) days of packaging;
3. The fourteen (14) day sell by date may not extend past the original processors' shelf life;

4. Establish critical control points during processing, packaging and storage;

5. The hazard analysis critical control based procedure for each food shall be submitted to the health department for review prior to any modified atmosphere packaging. Monitoring shall include any or all of the following information:

- a. Routine laboratory testing,
- b. Refrigerated storage temperatures after packaging,
- c. Measurement of temperatures if a smoking or cooking process is used, and
- d. Other information as requested by the health officer;

6. Maintain accurate records of monitoring in subsection (C)(5) of this section for examination by the health officer. (HDR 29 §2(A, B, C), 6-26-91)

R6.26.030 Prohibited foods. Modified atmosphere packaging of aquatic foods, including fish, is prohibited in the MPRAF establishment licensed by the SKCDPH, except for aquatic foods which are rapidly frozen and are stored frozen until thawed for use, or for aquatic foods processed where water activity or pH is controlled or nitrites are used as per Section R6.26.020(B). (HDR 29 §2(D), 6-26-91)

R6.26.040 Person in charge. The food service establishment owner shall designate a person in charge of modified atmosphere packaging operations. The person in charge shall ensure all control measures are complied with. (HDR 29 §2(E), 6-26-91)

R6.26.050 Labeling. A. Label Contents. Modified atmosphere packaged foods produced or packaged in a food service establishment under Section R6.26.020(B) shall be properly labeled as follows:

1. "Keep refrigerated at 38°F. or below and use within 7 days of purchase, unless frozen"; and
2. "Date when Packaged" and a "Sell by month/day/year" with the date established at time of packaging.

B. Labeling Exemptions. Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempt from meeting labeling requirements contained in subsection A of this section. (HDR 29 §2(F), 6-26-91)

R6.26.060 Foods past expiration date. A. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of

packaging must be destroyed, except prior to that time, modified atmosphere packaged foods may be:

1. Frozen; or
2. Removed from the packaging and used in the food service establishment.

B. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging are prohibited from sale in salvage operations. (HDR 29 §2(G, H), 6-26-91)

Title 7

PESTICIDES

Chapters:

- 7.01 General Provisions
- 7.05 Definitions
- 7.10 General Standards and Restrictions
- 7.20 Registration and License Requirements
- 7.30 King County Pesticide Advisory Council

Chapter 7.01

GENERAL PROVISIONS

Sections:

- 7.01.010 Title.
- 7.01.015 Authority.
- 7.01.020 Purpose and policy declared.
- 7.01.030 Scope.
- 7.01.040 Applicability.
- 7.01.050 Exemptions.
- 7.01.060 Administration.
- 7.01.090 Other federal, state and local rules,
 regulation or statutes.
- 7.01.100 Severability.

7.01.010 Title. This title may be cited and referred to, and shall be known as, the "King County Structural Pest Control Regulation." (R&R 83 amdt. §1, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.015 Authority. This title is adopted pursuant to RCW 17.21.305 or its successor. (R&R amdt. §4, 9-12-94)

7.01.020 Purpose and policy declared. A. This title is enacted as an exercise of the authority of the King County board of health to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this title to provide for and to promote the health and welfare of the general

public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any person engaged in the business of applying pesticides or fumigants, and any other person falling within its scope, and no provision of, nor term used in this title is intended to impose any duty whatsoever upon the Seattle-King County department of public health or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the Seattle-King county health department, or its officers, employees or agents, for any injury or damage resulting from the failure of any person engaged in the business of structural pest control or any other person falling within its scope to comply with this title. (R&R 83 amdt. §2, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.030 Scope. The provisions of this title provide for the regulation of the use of pesticides, the registration and regulation of persons engaged in the business of structural pest control operator, exterminator and fumigator, and the licensing and regulation of master structural pesticide applicators. (R&R 83 amdt. §3, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.040 Applicability. This title shall apply to structural pest control operators, exterminators and fumigators in King County, and any person using pesticides or contracting the services of a structural pest control business in King County, except for persons specifically exempted by this chapter. (R&R 83 amdt. §5, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.050 Exemptions. The structural pest control business registration requirements of this title shall not apply to the following individuals or persons:

A. Any person engaged in the business of applying pesticides that is exempt from the licensing requirements of RCW Chapter 17.21, The Washington Pesticide Application Act or WAC Chapter 16-228, Pesticide Regulations;

B. The director of the Seattle-King County department of public health;

C. Emergency actions of any federal, state or local government;

D. Licensed veterinarians, while performing veterinary services;

E. Any person performing landscape applications of pesticides. (R&R 83 amdt. §6, 9-12-94: R&R 83 §1(part), 10-2-92)

7.01.060 Administration. The director is authorized to develop rules to implement sections of this title as may be needed and to make these available for distribution. Establishment of such rules shall allow for public comment. Except as otherwise provided in this title, enforcement of this title shall be administered through the provisions of Chapter 1.08 of the code of the King County Board of Health. The director should coordinate with other enforcement agencies of federal, state and local governments to avoid inconsistencies and duplication. (R&R 83 §1(part), 10-2-92)

7.01.090 Other federal, state and local rules, regulation or statutes. The standards and remedies of this title are cumulative and not exclusive of standards and remedies of other levels of government. Compliance with this title does not constitute compliance with any other federal, state or local rule, regulation or statute. (R&R 83 §1(part), 10-2-92)

7.01.100 Severability. The provisions of this title are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances. (R&R 83 §1(part), 10-2-92)

Chapter 7.05DEFINITIONSSections:

- 7.05.005 Definitions adopted.
- 7.05.010 Applicant.
- 7.05.020 Director.
- 7.05.030 Direct supervision.
- 7.05.040 Master structural pesticide applicator.
- 7.05.050 Structural pest control business registrant.

7.05.005 Definitions adopted. The definitions contained in RCW 17.21.020 and the definitions contained in WAC 16-228-010 are adopted as the definitions for this title. In addition, the following definitions are adopted for this title. (R&R 83 §1(part), 10-2-92)

7.05.010 Applicant. "Applicant" means an individual or entity formally requesting a structural pest control business registration or master structural pesticide applicator license from the Seattle-King County department of public health. (R&R 83 amdt. §7, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.020 Director. "Director" means the director of the Seattle-King County department of public health or his or her representative. (R&R 83 §1(part), 10-2-92)

7.05.030 Direct supervision. Direct supervision by a master structural pesticide applicator means application, distribution or sales of pesticides by a person acting under the instruction and control of a master structural pesticide applicator who is available if and when needed, even though such master structural pesticide applicator is not physically present at the time the pesticide is applied, distributed, or sold. A sixty (60) day grace period shall be granted from the requirement of providing direct supervision for circumstances of temporary leave, hospitalization, disability, death or termination of employment. (R&R 83 amdt. §8, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.040 Master structural pesticide applicator. "Master structural pesticide applicator" means a person who

has passed the Seattle-King County department of public health's master structural pesticide applicator exam and maintains a current Seattle-King County department of public health master structural pesticide applicator license. (R&R 83 amdt. §9, 9-12-94: R&R 83 §1(part), 10-2-92)

7.05.050 Structural pest control business registrant. "Structural pest control business registrant" means a person engaged in the business of applying pesticides who has applied for, received, and maintains a current pest control business registration from the director. (R&R 83 amdt. §10, 9-12-94: R&R 83 §1(part), 10-2-92)

Chapter 7.10

GENERAL STANDARDS AND RESTRICTIONS

Sections:

- 7.10.010 Pesticide application standards.
- 7.10.020 Restrictions on representation.
- 7.10.030 Pesticide recordkeeping requirements.
- 7.10.040 Use of a registered structural pest control business required.

7.10.010 Pesticide application standards. Except as otherwise specified by this title, the pesticide application standards set forth in RCW Chapter 15.58 (The Washington Pesticide Control Act), RCW Chapter 17.21 (The Washington Pesticide Application Act), and WAC Chapter 16-228 (Pesticide Regulations), including amendments thereto, shall be the pesticide application standards under this title. It shall be unlawful for any person to use or dispose of pesticides except in a manner that is consistent with the pesticide application standards listed in this section. (R&R 83 §1(part), 10-2-92)

7.10.020 Restrictions on representation. No person may represent himself or herself to be engaged in the business of structural pest control operator, exterminator or fumigator without first obtaining and maintaining a structural pest control business registration from the director and without first applying for, receiving, and maintaining a master structural pesticide applicator license from the

director. (R&R 83 amdt. §11, 9-12-94: R&R 83 §1(part), 10-2-92)

7.10.030 Pesticide recordkeeping requirements. The pesticide recordkeeping requirements under this title for all structural pest control operators, exterminators and fumigators shall be the requirements described in WAC 16-228-185 and RCW 17.21.100. The pesticide records shall be readily accessible to the director for inspection. Copies of the records shall be immediately provided to the director upon request. (R&R 83 amdt. §12, 9-12-94: R&R 83 §1(part), 10-2-92)

7.10.040 Use of a registered structural pest control business required. It shall be unlawful for any person to knowingly enter a contract for the receipt of structural pesticide application services except with a business that is registered with the director under the provisions of this title. (R&R 83 amdt. §13, 9-12-94: R&R 83 §1(part), 10-2-92)

Chapter 7.20

REGISTRATION AND LICENSE REQUIREMENTS

Sections:

- 7.20.010 Structural pest control business registration required.
- 7.20.020 Joint enforcement with the Washington State Department of Agriculture.
- 7.20.030 Good practice merit system for structural pest control businesses.
- 7.20.040 Master structural pesticide applicator license required.
- 7.20.050 Requirements for master structural pesticide applicator licenses.

7.20.010 Structural pest control business registration required. A. It shall be unlawful for any person to engage in the business of structural pest control operator, exterminator, or fumigator in King County without a valid structural pest control business registration issued to such person by the director. Structural pest control business registrations shall not be transferable and shall be

valid only for the person and place for which issued. Each such registration shall be posted conspicuously in the business establishment for which issued. The director is authorized to inspect any facility subject to registration under this section in order to determine compliance with the requirements of this title.

B. Any person desiring to engage in the business of structural pest control operator, exterminator, or fumigator in King County shall submit a written application to the department, on a form to be provided by the director, for a registration for such operation. Such application shall include the following:

1. Applicant's full name;
2. Post office address of the business;
3. Location of the business;
4. Disclosure whether such applicant is an individual, firm or corporation, and if a partnership, the names and addresses of the partners;
5. The type of pest control operation;
6. The name of the master structural pesticide applicator and a copy of their current Washington State Department of Agriculture licenses;
7. A signed statement from the master structural pesticide applicator attesting that he or she shall be available for the direct supervision of all certified operators employed by the business;
8. A copy of the surety bond or liability insurance policy that conforms with RCW 17.21.160 and RCW 17.21.170;
9. The signature of the applicant;
10. The annual registration fee described in Section 2.12.040 of this code.

C. Applications for annual renewal of structural business registrations shall include the same information as the initial application for registration. Structural pest control business registrations shall expire annually on December 31st, but shall be renewed upon acceptable completion of an application and payment of the annual renewal fee.

D. Failure to comply with any provision of this section will result in a civil penalty according to Chapter 1.08 of this code. (R&R No. 05-05 § 133, 6-17-2005; R&R 83 amdt. §14, 9-12-94; R&R 83 §1(part), 10-2-92)

7.20.020 Joint enforcement with the Washington State Department of Agriculture. A. The director shall coordinate enforcement actions under this code for violations of

pesticide application standards with the enforcement activities of the Washington State Department of Agriculture and the United States Environmental Protection Agency. Except in cases where the director has reason to believe that a violation has caused a person's death or serious bodily injury, or where a knowing violation has placed a person in imminent danger of death or serious bodily injury, the director shall not investigate complaints about possible violations of pesticide application standards but shall forward such complaints to the Washington State Department of Agriculture for investigation. The director is authorized to assign penalties under this code upon a finding by the Washington State Department of Agriculture that a person has failed to comply with any of the pesticide application standards set forth in Section 7.10.010 of this title.

B. Notwithstanding any sanction described in this section, the director may deny, suspend or revoke any registration or license required under this title for knowing violations of this title that result in a person's death or serious bodily injury, or for knowing violations that place another person in imminent danger of death or serious bodily injury. The director may also deny, suspend or revoke any registration or license required under this title for knowing violations of this title that result in substantial harm to the property of another person, or for knowing violations of this title that result in imminent danger of substantial harm to the property of another person. (R&R 83 §1(part), 10-2-92)

7.20.030 Good practice merit system for structural pest control businesses. A. The director is authorized to develop a merit based incentive system to waive sanctions of structural pest control business registrations for registrants that act in good faith to prevent violations of pesticide application standards. The merit based incentive system shall be developed by the director in consultation with the King County structural pest control advisory council established in this title and shall be subject to approval by the King County board of health. The merit system shall be used by the director to offset sanctions under this title for violations of pesticide application standards set forth in Section 7.10.010 of this title that are confirmed by the Washington State Department of Agriculture.

B. The merit system may be used to reward structural pest control business registrants by providing positive in-

centives to follow good pest management practices. Incentives under the merit system may include but not be limited to: special designation on the structural pest control business registration; awards; the waiving of penalties for violations of this title; and a system of reduced fees for annual renewal of the structural pest control business registration.

C. The criteria for the merit system may include but not be limited to the following items:

1. Pesticide Information Sheets. The registrant provides pesticide information sheets upon request to all customers, and the pesticide information sheets meet the minimum criteria established by the director in consultation with the King County structural pest control advisory council;

2. Continuing Education Credits. The registrant demonstrates that all pest control employees are maintaining the required number of continuing education credits with the Washington State Department of Agriculture;

3. Acceptable Business Inspection Reports. The registrant maintains acceptable standards for pesticides storage, mixing and disposal at the structural pest control business location as demonstrated by the most recent inspection of the facility by the director;

4. Verifiable Training Program. The registrant maintains a verifiable training program for all employees that meets the minimum requirements of the National Pest Control Association;

5. Integrated Pest Management. The registrant operates in accordance with a written policy for integrated pest management that conforms with minimum criteria established by the director in consultation with the King County structural pest control advisory council;

6. Target Pest Identification. The registrant offers target pest identification services to all customers. The availability of such services shall be clearly communicated to customers through written notice on a job bid sheet, receipt or other written material;

7. Public Exposure Control Plan. The registrant develops and operates in accordance with a written public exposure control plan that conforms with minimum criteria established by the director in consultation with the King County structural pest control advisory council.

D. The director shall consult with the King County structural pest control advisory council in developing the

good practice merit system. (R&R 83 amdt. §15, 9-12-94:
R&R 83 §1(part), 10-2-92)

7.20.040 Master structural pesticide applicator license required. It is unlawful for any person to engage in the business of structural pest control operator, exterminator, or fumigator in King County without first obtaining a master structural pesticide applicator license from the director. An individual may not be designated as a master structural pesticide applicator for more than one (1) business at a time. All employee certified operators of the person engaged in the business of structural pest control in King County shall work under the direct supervision of a master structural pesticide applicator. Any individual issued a master exterminator or a master fumigator license pursuant to Seattle Municipal Code, Chapter 10.54, shall be deemed reciprocally licensed as a master structural pesticide applicator under the provisions of this title. (R&R 83 amdt. §16, 10-3-94: R&R 83 §1(part), 10-2-92)

7.20.050 Requirements for master structural pesticide applicator licenses. A. The following requirements must be met by the applicant before the director shall issue a master structural pesticide applicator license:

1. The applicant shall be no less than eighteen (18) years of age.

2. The applicant shall provide a copy of their current license with the Washington State Department of Agriculture.

3. The applicant shall pass by a minimum score of seventy (70) percent a written examination administered by the director, in which he/she shall be required to exhibit knowledge about:

- a. Worker right to know;
- b. Community right to know;
- c. Emergency response;
- d. Pesticide storage;
- e. Hazardous waste;
- f. Safety programs;
- g. The King County board of health structural pest control regulations;
- h. Integrated pest management;
- i. Pesticide applications in environmentally sensitive areas.

B. The director is authorized to administer, and update as necessary, an examination for the master structural

pesticide applicator license. The examination shall be reviewed and updated as necessary at least once every five (5) years. Master structural pesticide applicators shall be required to retake the examination for the master structural pesticide applicator license at least once every five (5) years except that licensees who maintain acceptable numbers of continuing education credits with the Washington State Department of Agriculture shall not be required to retake the exam. The director shall consult with the King County structural pest control advisory council established in this title when developing and updating the examination and study guides for the examination. (R&R 83 amdt. §17, 10-3-94: R&R 83 §1(part), 10-2-92)

Chapter 7.30

KING COUNTY PESTICIDE ADVISORY COUNCIL

Sections:

- 7.30.010 King County structural pest control advisory council--Generally.
- 7.30.020 King County structural pest control advisory council--Duties.

7.30.010 King County structural pest control advisory council--Generally.

There is created a King County structural pest control advisory council. The director shall reasonably maintain membership to the structural pest control advisory council according to the following categories and numbers of individuals:

- A. Master pesticide applicator (three (3) individuals, with one (1) individual each from the specialties: structural pest control, fumigator, and organic pest control);
- B. Nonprofit environmental organization (two (2) individuals);
- C. The Washington State Department of Agriculture (one (1) individual);
- D. Entomologist in public service (one (1) individual);
- E. Toxicologist in public service (one (1) individual);

F. Home and garden pesticide retailer. (R&R 83 amdt. §19, 10-3-94: R&R 83 §1(part), 10-2-92)

7.30.020 King County structural pest control advisory council--Duties. The structural pest control advisory council shall advise the director on any or all problems relating to the use or application of structural pesticides in King County. The director shall consult with the structural pest control advisory council when developing and updating examinations, and study guides for examinations, for the master structural pesticide applicator license. The director shall also consult with the structural pest control advisory council when developing the structural pest control business merit system and guidelines for pesticide fact sheets and integrated pest management. (R&R 83 amdt. §20, 10-3-94: R&R 83 §1(part), 10-2-92)

KING COUNTY BOARD OF HEALTH
ZONOTIC DISEASE PREVENTION REGULATIONS

Title 8
KING COUNTY BOARD OF HEALTH
ZONOTIC DISEASE PREVENTION REGULATIONS

Chapters:

- 8.01 General Provisions**
- 8.04 Rabies**
- 8.06 Rodent Control**

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**Chapter 8.01
GENERAL PROVISIONS**

Sections:

- 8.01.010 Citation.
- 8.01.020 Purpose and policy.
- 8.01.030 Definitions.
- 8.01.040 Enforcement and rulemaking authority.
- 8.01.050 Imminent and substantial dangers.

8.01.010 Citation. This title may be cited and referred to, and shall be known as, the "King County Board of Health Zoonotic Disease Prevention Regulations." (R&R 06-01 § 1, 2006).

8.01.020 Purpose and policy.

A. Authority is established under RCW chapter 70.05 for the control and prevention of zoonotic disease. This title is enacted as an exercise of the Board of Health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. This title governs the prevention of zoonotic disease and includes rabies control and rodent control provisions.

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

C. Nothing contained in this title is intended to be or shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents. (R&R 06-01 § 2, 2006).

8.01.030 Definitions. The definitions in this section apply throughout this title unless the context clearly requires otherwise.

A. Director. "Director" means the director of the Seattle-King County Department of Public Health or the director's duly authorized representative.

B. Vector. "Vector" means an organism capable of transmitting a pathogen, and includes insects and rodents.

C. Zoonotic disease or zoonosis. "Zoonotic disease" or "zoonosis" means a disease or infection communicable from vertebrate animals to humans, including any such disease transmitted by intermediate insect vectors such as mosquitoes, fleas, or ticks. (R&R 06-01 § 5, 2006).

8.01.040 Enforcement and rulemaking authority. Except as specifically otherwise provided in this title, the director shall have the authority to enforce the provisions of this title in accordance with chapter 1.08 of this code. The director is also authorized to adopt rules consistent with the provisions of this title for the purpose of enforcing and carrying out its provisions. (R&R 06-01 § 3, 2006).

8.01.050 Imminent and substantial dangers. Notwithstanding any other provisions of this title, the director may take immediate action to prevent an imminent and substantial danger to the public health by any zoonotic disease. (R&R 06-01 § 4, 2006).

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**Chapter 8.04
RABIES****Sections:**

- 8.04.001 Purpose and scope of chapter.
- 8.04.003 Definitions.
- 8.04.005 Rabies vaccination required.
- 8.04.006 Exemption from chapter.
- 8.04.007 Citation.
- 8.04.010 Management of animals that bite humans.
- 8.04.020 Notice of rabies hazard in all or part of county -- Community-wide rabies control period.
- 8.04.030 Violation of confinement or vaccination order.
- 8.04.040 Management of animals exposed to suspected or confirmed rabies-infected animals.
- 8.04.060 Enforcement.
- 8.04.070 No appeal to hearing examiner.

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8.04.001 Purpose and scope of chapter.

A. Authority is established under RCW Chapter 70.05 for the control and prevention of the spread of dangerous, contagious or infectious disease. This chapter is enacted as an exercise of the Board of Health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. This chapter governs the protection of human health and safety against the spread of rabies from infected animals.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon owners and other persons entitled to possession of dogs, cats, ferrets and other animals, and/or other persons designated by this chapter within its scope, and no provision of nor term used in this chapter is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory. (R&R 06-01 § 7, 5-19-2006: R&R 04-01 § 2 (part), 4-16-2004).

8.04.003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

A. "Animal control authority" means the county or municipal animal control agency, acting alone or in concert with other municipalities, having authority for the enforcement of the animal control laws, ordinances or regulations of the state, county or municipality, and the shelter and welfare of animals.

B. "Caretaker" means any person authorized by the owner to provide daily management of an animal, including but not limited to maintaining the animal in a controlled or confined manner in accordance with applicable statutes and regulations, and providing the animal with food, water, shelter, sanitary services and health care as required.

C. "Cat" means an animal of the genus species *Felis domesticus*.

D. "Dog" means an animal of the genus species *Canis familiaris* and excludes wolf-dog hybrid animals.

E. "Euthanize" means to humanely destroy an animal by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

F. "Ferret" means an animal of the genus species *Mustela furo*.

G. "Livestock" means farm animals, excluding birds, raised for food or fiber production or kept for recreational purposes, including but not limited to horses, donkeys, mules, cattle, sheep, llamas, alpacas, goats, and pigs.

H. "Mammal" means any of a class of warm-blooded vertebrate animals that nourish their young with milk secreted by mammary glands, have skin generally covered with hair, and includes bats.

I. "Owner" means any person having legal ownership of an animal. (R&R 06-01 § 8, 5-19-2006: R&R 04-01 § 2 (part), 4-16-2004).

8.04.005 Rabies vaccination required. All owners of dogs, cats and ferrets four months of age or older shall have their animals vaccinated against rabies. Regardless of the age of the animal at initial vaccination, a booster vaccination shall be administered one year later and thereafter on a schedule according to the type of vaccine used, as determined by a licensed veterinarian. All owners of livestock having frequent contact with humans other than their owners and caretakers, including but not limited to animals exhibited to the public at petting zoos, fairs, or other locations or events, shall have such livestock evaluated by a licensed veterinarian and vaccinated against rabies if the veterinarian recommends such vaccination. All rabies vaccinations shall be performed by or under the direct supervision of a licensed veterinarian in accordance with the standards contained in the Compendium of Animal Rabies Prevention and Control, as amended, published by the National Association of State Public Health Veterinarians, Inc. (R&R 06-01 § 9, 5-19-2006: R&R 04-01 § 2 (part), 4-16-2004).

8.04.006 Exemption from chapter. The provisions of this chapter shall not apply to dogs and cats in the custody of a research facility registered or licensed by the United States Department of Agriculture and regulated by 7 United States Code 2131, et seq. (R&R 06-01 § 10, 5-19-2006: R&R 04-01 § 2 (part), 4-16-2004).

(KCBOH 5-2006)

8.04.007 Citation. This chapter may be cited and referred to, and shall be known as, the "King County Board of Health Rabies Regulations." (R&R 06-01 § 12, 5-19-2006).

8.04.010 Management of animals that bite humans.

A. Reporting of Animal Bites. Whenever an animal has bitten a human, the incident shall be reported immediately to the director by any health care provider, medical facility, school, childcare facility or other persons or entities having direct knowledge of the incident. Incidents other than bites shall be immediately reported by the same persons to the director when there is concern about the potential for rabies transmission to a human. Such incidents include, but are not limited to, exposure to a bat or exposure of mucous membranes or an open cut in the skin to the saliva of an animal capable of transmitting rabies if there is reasonable cause to suspect the animal may be infected with rabies. Reasonable cause to suspect rabies infection includes, but is not necessarily limited to, abnormal behavior, neurologic signs, or insufficient knowledge of the history or medical condition of the animal.

B. Whenever the director has knowledge of or reasonable certainty that a dog, cat or ferret has bitten a human or otherwise exposed mucous membranes or an open cut in the skin to the animal's saliva, he or she is authorized to order that the animal be confined for a period of not less than ten (10) days. If the animal is over four (4) months of age and unvaccinated for rabies, the director is authorized to order that the confinement be at the city or county animal control authority in its animal shelter or, upon request and at the expense of the owner, at a veterinary hospital. If the animal is under four (4) months of age or currently vaccinated, at the discretion of the director, confinement may be at the home of the animal's owner or caretaker. The owner or caretaker having possession of the confined animal shall observe the animal daily during the confinement period and report any illness or abnormal behavior immediately to the director, who shall have the authority to order the animal be examined by a licensed veterinarian. If the veterinarian determines signs suggestive of rabies are present, the director may order the owner or caretaker to have the animal euthanized immediately and tested for rabies. If the biting dog, cat or ferret is unwanted or a stray or is severely injured or medically unstable as determined by a licensed veterinarian, the director may order the animal be euthanized immediately and tested for rabies virus.

C. The director is authorized to notify in writing the owner or caretaker of the animal subject to a confinement order. Delivery of a copy of the confinement order to some person of suitable age and discretion residing upon the premises where such animal is found shall be notice of the confinement. The director is authorized to notify the city or county animal control authority and other police officers of the confinement order, and to request their assistance to enforce such order.

D. Other Animals. Whenever the director has knowledge of or reasonable certainty that a mammal other than a dog, cat or ferret has bitten a human or otherwise exposed mucous membranes or an open cut in the skin to the animal's saliva, the director is authorized to assess the risk for rabies transmission and may order that the animal be euthanized immediately and tested for rabies virus.

E. According to the provisions of this chapter, unless otherwise ordered by the director, confinement shall consist of housing the animal at the facilities of the animal control authority or a licensed veterinarian, or restriction of the animal to the premises of the owner or caretaker of the animal in a secure manner so as to prevent escape and with no direct contact with other animals or humans other than the animal's direct caretaker.

F. When an animal is to be euthanized and tested for rabies virus, euthanasia shall be accomplished in such a way as to maintain the integrity of the brain so that the laboratory can recognize the anatomical parts, and the whole animal or animal head kept under refrigeration and not frozen or chemically fixed during storage and shipping. (R&R 04-01 § 3, 4-16-2004; R&R 30 § 1, 6-9-82).

8.04.020 Notice of rabies hazard in all or part of county -- Community-wide rabies control period.

A. Whenever the director determines that rabies is currently a hazard to the public health in the county, or any part thereof, incorporated or unincorporated, the director is authorized to cause a notice of such hazard to be published in a newspaper of general circulation in the area for three (3) successive days, which determination and notice shall declare the community-wide rabies control period and area. Good cause for such notice shall include, but is not limited to, a diagnosis of rabies in any dog or cat, or other veterinary or epidemiological evidence of the presence of a rabies hazard. It shall be unlawful, within the rabies control area, for any owner or caretaker of a dog, cat or other animal capable of transmitting rabies to fail to secure or confine such animal by leash or escape-proof container during the community-wide rabies control period.

B. The community-wide rabies control period shall be thirty (30) days after the last publication of notice. The director may extend any such period if deemed necessary by publication of one or more additional notices.

C. During the community-wide rabies control period, the director is authorized to institute the following measures for the protection of the public health as he or she deems appropriate:

1. Issuance of orders requiring owners and caretakers of animals capable of transmitting rabies to restrict such animals to their premises unless securely confined by leashes or escape-proof containers;
2. Issuance of orders requiring owners and caretakers of animals three (3) months old or over capable of transmitting rabies to have such animals vaccinated with rabies vaccine by or under the direct supervision of a licensed veterinarian within thirty (30) days after publication of the last notice;
3. Issuance of orders to owners and caretakers of dogs, cats and ferrets requiring proof of rabies vaccination by a licensed veterinarian within six previous months; or
4. Issuance of orders authorizing the impoundment and euthanizing of any animal capable of transmitting rabies found running at large, unless such animal is redeemed from impounding in accordance with the ordinances or rules enforced by the animal control authority having jurisdiction over the animal. (R&R 04-01 § 4, 4-16-2004; R&R 30 § 2, 6-9-82).

8.04.030 Violation of confinement or vaccination order.

A. It is unlawful for any owner or caretaker of any animal subject to an order of confinement or restriction as set forth in Sections 8.04.010, 8.04.020 or 8.04.040 to permit any such animal to come in contact with any other animal or person or to run at large or to be removed from any place of such confinement or restriction without the consent of the director.

B. It is unlawful for any owner or caretaker of any animal subject to a vaccination order as set forth in Sections 8.04.020 or 8.04.040 to fail or refuse to procure the vaccination within the period ordered by the director. (R&R 04-01 § 5, 4-16-2004; R&R 30 § 3, 6-9-82).

8.04.040 Management of animals exposed to suspected or confirmed rabies-infected animals. Any mammal having direct contact with an animal found to be rabid by appropriate laboratory tests, or having suspected exposure to rabies virus from a wild, carnivorous mammal or bat unavailable for testing, shall be regarded as having been exposed to rabies and shall be subject to the requirements of this section, as applicable. For purposes of this chapter, suspected exposure to rabies shall include probable or suspected contact with saliva of a wild, carnivorous mammal or bat through a bite wound, open cut in skin, or onto mucous membranes.

A. Unvaccinated Dogs, Cats, and Ferrets. The director is authorized to order that any unvaccinated dog, cat, or ferret exposed to a suspected or known rabid animal be euthanized immediately or placed in strict isolation, at the option of the owner of the animal. If isolation is chosen, the owner of the exposed animal shall have the animal placed in strict isolation with no direct animal or human contact, at a location and under conditions approved by the director, for not less than one hundred eighty (180) days from the date of rabies exposure as determined by the director, and vaccinated with rabies vaccine thirty (30) days before the end of the isolation period. At the end of the isolation period, the owner of the animal shall have the animal evaluated by a licensed veterinarian for signs of rabies, and shall submit to the director a written report prepared by such veterinarian as to the animal's health status. Any person observing signs suggestive of rabies during or at the end of the isolation period shall report or have a licensed veterinarian report such signs immediately to the director, who shall have authority to order that such animal be euthanized and tested for rabies virus.

B. Vaccinated Dogs, Cats, and Ferrets. The director is authorized to order the owner or caretaker of any currently vaccinated dog, cat or ferret exposed to a suspected or known rabid animal to have the dog, cat or ferret revaccinated immediately with rabies vaccine, and kept securely confined for forty-five (45) days for observation. Any person observing signs suggestive of rabies during or at the end of the confinement period shall report or have a licensed veterinarian report such signs immediately to the director, who shall have authority to order that such animal be euthanized and tested for rabies virus. The director is authorized to determine the management of dogs, cats and ferrets with expired rabies vaccinations on a case-by-case basis.

C. Livestock. The director is authorized to order the owner or caretaker of any unvaccinated livestock that has been exposed to a suspected or known rabid animal to have such livestock immediately slaughtered or kept under close confinement and observation for not less than one hundred eighty (180) days from the date of rabies exposure as determined by the director, at the option of the owner of the livestock. The owner or caretaker of livestock that has been exposed to a suspected or known rabid animal and currently vaccinated with a vaccine approved by the United States Department of Agriculture for that species shall have such livestock revaccinated against rabies immediately and kept under close observation for not less than forty-five (45) days.

D. Other Animals. The director is authorized to order that mammals other than dogs, cats, ferrets, and livestock exposed to a suspected or known rabid animal be euthanized immediately, except that the director is authorized to determine, on a case-by-case basis, the management of such animals maintained in research facilities registered or licensed by the United States Department of Agriculture, or in accredited zoological parks. (R&R 04-01 § 6, 4-16-2004: R&R 30 § 4, 6-9-82).

8.04.060 Enforcement. Subject to the provisions of section 8.04.070 of this chapter, the director shall have the authority to enforce the provisions of this chapter in accordance with chapter 1.08 of this code. The director is also authorized to adopt rules consistent with the provisions of this chapter, and to notify and request the assistance of the appropriate animal control authority for the purpose of enforcing and carrying out its provisions. (R&R 06-01 § 13, 5-19-2006: R&R 04-01 § 8, 4-16-2004: R&R 30 § 6, 6-9-82).

8.04.070 No appeal to hearing examiner. Due to the extreme health hazard involved in a rabies outbreak and the necessity for expediency in carrying out the provisions of this chapter and notwithstanding the provisions of any other rules or regulations or ordinances to the contrary, orders issued by the director of public health regarding rabies shall not be appealable to the hearing examiner. (R&R 30 § 7, 6-9-82).

(KCBOH 5-2006)

**Chapter 8.06
RODENT CONTROL**

Sections:

- 8.06.010 Citation.
- 8.06.020 Purpose and scope of chapter.
- 8.06.030 Definitions.
- 8.06.040 Duty to implement rodent-proofing and eradication; authority of director.
- 8.06.050 Inspection and enforcement.
- 8.06.060 Violation.

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8.06.010 Citation. This chapter may be cited and referred to, and shall be known as, the “King County Board of Health Rodent Control Regulations.” (R&R 06-01 § 14, 5-19-2006).

8.06.020 Purpose and scope of chapter.

A. This chapter is enacted as an exercise of the Board of Health powers of King County to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. This chapter governs the protection of human health and safety against the spread of dangerous, contagious, or infectious diseases by rats, mice, and other rodents.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon owners and occupants of land, buildings, or other structures, and other persons designated by this chapter within its scope, and no provision of nor term used in this chapter is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory. (R&R 06-01 § 15, 5-19-2006).

8.06.030 Definitions. As used in this chapter, the following definitions shall apply:

A. Approved. “Approved” as applied to articles, materials, or methods means such articles, materials, or methods as are approved by the director for use in rodent proofing or eradication.

B. Eradication. “Eradication” means the elimination or extermination of rodents within or upon land, a building or other premises by any or all methods as approved by the director, including but not limited to poisoning, trapping, or obtaining the professional services of a licensed pest control operator so that the land, building, or premises are free of rodents. Eradication includes the removal of evidence of rodent infestation, including but not limited to rodent droppings and burrows, to facilitate monitoring and verification that eradication has been completed.

C. Harborage or rodent harborage. “Harborage” or “rodent harborage” means any condition that provides shelter and protection for rodents. Harborage includes but is not limited to lumber, limbs, motor vehicle bodies or parts, construction or demolition debris, overgrown vegetation, appliances, junk, waste wood, scrap metal, or unlawfully deposited or stored garbage, litter, decaying animal or vegetable matter, or any other articles that are deposited or maintained in an unlawful manner and that provide shelter and protection for rodents.

D. Infestation or rodent infestation. “Infestation” or “rodent infestation” means the presence of rodents on the premises as determined by the director to constitute a threat to the public health.

E. Material impervious to rodents. “Material impervious to rodents” means material used for preventing rodents from gaining access into premises, including but not limited to glass, wood, noncorrosive steel or iron and noncorrosive metal screen, concrete, masonry, steel wool, or other material approved for exclusion of rodents from the premises.

F. Opening. “Opening” means any opening in a building or structure, including but not limited to the foundation, basement, crawlspace, ground floor or any other floor, exterior and interior walls, decks, porches, attics, roofs, chimneys, eaves, grills, windows, vents, vent pipes, ventilators, sidewalk grates and other sidewalk openings, elevators, and space around any pipe, wire, or other installations connected with buildings through which rodents can enter.

G. Premises. “Premises” means real property and any appurtenances upon, within, or connected with it, including land, buildings, and structures.

H. Rodent-proof or rodent-proofing. “Rodent-proof” or “rodent-proofing” means construction, maintenance, or repair of a building or premises which will prevent rodents from gaining entrance thereto, or from gaining access to food, water, or harborage. (R&R 06-01 § 16, 5-19-2006).

(KCBOH 5-2006)

8.06.040 Duty to implement rodent-proofing and eradication; authority of director.

A. The owner or occupant of premises shall:

1. Implement rodent-proofing and eradication measures to prevent rats, mice, or other rodents from gaining access to or coming into contact with food, food products, animal food, or bird food;

2. Prevent the accumulation of materials capable of providing food or harborage for rodents, including but not limited to garbage, litter, excrement, filth, lumber, limbs, firewood, motor vehicle bodies or parts, construction or demolition debris, appliances, junk, waste wood, scrap metal, overgrown vegetation, decaying animal or vegetable matter, and any other articles that provide shelter and protection for rodents; and

3. Maintain all premises free from rats, mice, and other rodents.

B. The provisions of this chapter shall not apply to rodents lawfully confined either as pets or in the custody of educational, medical, or other research organizations for educational or research purposes.

C. When the director determines it is necessary to prevent or eliminate a rodent infestation, or that it is otherwise necessary for the protection of the public health against the spread of disease from rodents, the director is authorized to order the owner or occupant of premises to take preventive and remedial rodent control measures at the expense of the owner or occupant, including but not necessarily limited to:

1. Implementing rodent-proofing and/or eradication as set forth in this chapter; and

2. Completing an approved eradication program prior to building demolition. (R&R 06-01 § 17, 5-19-2006).

8.06.050 Inspection and enforcement.

A. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this chapter, or whenever the director has cause to believe that a violation of any provision of this chapter has been or is being committed, the director may enter any land, building, structure, or premises at reasonable times to inspect the same, provided such entry is consistent with the constitutions and laws of the United States and the State of Washington.

B. The director is authorized to enforce this chapter in accordance with chapter 1.08 of this code. This chapter shall not in any manner limit or restrict the authority of the director to enforce Seattle Municipal Code Chapters 10.01, 10.24, and 10.34, as may hereafter be amended.

C. The director is also authorized to adopt rules consistent with this chapter for the purpose of carrying out and enforcing its provisions. (R&R 06-01 § 18, 5-19-2006).

8.06.060 Violation. It is unlawful for any owner or occupant of real property to fail to comply with the requirements of this chapter or any order of the director issued to carry out or enforce the requirements of this chapter. (R&R 06-01 § 19, 5-19-2006).

Title 9
BICYCLE HELMETS

Chapters:

- 9.01 Citation and Purpose
- 9.04 Findings
- 9.07 Definitions
- 9.10 General Requirements Regarding Bicycle Helmets
- 9.15 Enforcement
- 9.16 Effective Date

Chapter 9.01

CITATION AND PURPOSE

Sections:

- 9.01.010 Title.
- 9.01.020 Purpose and policy declared.
- 9.01.030 Local municipal ordinances.
- 9.01.100 Severability.

9.01.010 Title.

This title may be cited and referred to, and shall be known as, the "King County Bicycle Helmet Regulations." (R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

9.01.020 Purpose and policy declared.

A. This title is enacted as an exercise of the authority of the King County board of health to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

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

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any person falling within its scope, and no provision of, nor term used in, this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with this title.
(R&R No 03-05 (part), 7-18-2003: R&R 84 § 1 (part), 12-4-92)

9.01.030 Local municipal ordinances.

A. Nothing in this regulation is intended to limit the ability of local jurisdictions to adopt and enforce requirements regarding bicycle helmets.
(R&R No 03-05 (part), 7-18-2003)

9.01.100 Severability.

The provisions of this title are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.
(R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

Chapter 9.04

FINDINGS

Sections:

9.04.010 Findings.

9.04.010 Findings.

A. Head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bike paths. Every year approximately one thousand (1,000) Americans die of bicycle-related injuries. Approximately seventy-five percent (75%) of those deaths are due to head injuries. A significant number of those individuals who survive head injuries don't return to a normal life. They are often left with profound, disabling and long-lasting conditions. From 1989 through 1998, there were thirty-five (35) bicycle-related deaths and 2,003 bicycle-related hospitalizations in King County, including Seattle.

B. Bicycle helmets have been shown to prevent head injuries suffered by bicycle riders during a crash or fall. Studies completed in 1989 and 1996 by investigators at Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and Research Center show that helmet use

could reduce the number of head injuries involving bicycling by sixty-nine percent (69%) to eighty-five percent (85%). The Medical Examiner noted that of the eight bicycle-related deaths in 2000, four were not wearing helmets. Moreover, the King County Child Death Review (CDR) found that of the five children who died while riding a bicycle from July 1998 through April 2002, four were unhelmeted; the CDR experts concluded that three of the children would have likely survived if a helmet had been worn. Finally, using tools developed by The Centers for Disease Control and Prevention it is estimated that nearly \$ 10 million would be saved annually in both direct and indirect costs for bicycle-related head injuries if every cyclist were wearing a helmet in King County.

C. Educational and promotional efforts in King County have increased helmet use from two percent (2%) in 1985 to 61 percent (61%) in 1999 for children ages 5-12. In 1999, bicycle helmet use in adults was observed to be seventy-one percent (71%). However, these effects have plateaued. Additional efforts are needed to augment helmet use.

D. Studies in the United States and elsewhere demonstrate that legislation is effective in increasing helmet use. Helmet laws in Georgia, Maryland, and New York increased helmet use by 26% to 40%. In North Carolina, helmet use increased 2-3 fold after legislation. Furthermore, New Zealand found a thirty percent (30%) reduction in head injuries after passage of a helmet law. Thus, regulations requiring the use of bicycle helmets enhance the effectiveness of educational efforts to reduce the number and severity of head injuries resulting from bicycle crashes. The board of health therefore finds that bicycle helmets are required for the safe operation of bicycles not powered by motor on public roadways, bicycle paths or any right-of-way or publicly owned facility located in King County, including Seattle. (R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

Chapter 9.07

DEFINITIONS

Sections:

- 9.07.005 Definitions adopted.
- 9.07.010 Guardian.
- 9.07.020 Bicycle not powered by motor.

9.07.005 Definitions adopted.

The following definitions of this chapter are adopted for this title.

(R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

9.07.010 Guardian.

"Guardian" means a parent, legal guardian or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of eighteen (18) years.

(R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

9.07.020 Bicycle not powered by motor.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is sixteen inches or more diameter, or three wheels, any one of which is more than twenty inches in diameter (RCW 46.04.071). Within this chapter, the term "bicycle" shall include any attached trailers, side cars, and/or device being towed by a bicycle.

(R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

Chapter 9.10

GENERAL REQUIREMENTS REGARDING BICYCLE HELMETS

Sections:

9.10.010 Requirements regarding bicycle helmets.

9.10.010 Requirements regarding bicycle helmets.

A. Any person operating or riding on a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities located in King County including Seattle, shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the safety standards adopted by the U.S. Consumer Product Safety Commission (CPSC) 15 USCS 6004, or Z-90.4 set by the American National Standards Institute (ANSI), the Snell Foundation, the ASTM (American Society for Testing and Materials), or such subsequent nationally recognized standard for bicycle helmet performance as the county may adopt. The helmet must be equipped with either a neck or chinstrap that shall be fastened securely while the bicycle is in motion.

B. The guardian of a person under the age of eighteen (18) years shall not knowingly allow, or fail to take reasonable steps to prevent, that person from operating or riding on a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned

facilities located in King County including Seattle, unless that person is wearing a helmet that meets the requirements of subsection (A) of this section.

C. No person shall transport another person upon a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities located in King County including Seattle, unless that other person is wearing a helmet that meets the requirements of subsection (A) of this section.

D. No person shall sell or offer for sale a bicycle helmet that does not meet the requirements of subsection (A) of this section.

E. No person shall rent a bicycle not powered by motor for use to another person unless the renter possesses a helmet that meets the requirements of subsection (A) of this section.

(R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

Chapter 9.15

ENFORCEMENT

Sections:

9.15.010 Enforcement.

9.15.010 Enforcement.

A. A violation of this regulation is designated a civil infraction, to which the provisions of RCW Chapter 7.80 shall apply, except as set forth hereafter.

B. Any duly commissioned law enforcement officer having law enforcement authority at the place where a violation of this regulation occurs is authorized to enforce the provisions of this regulation.

C. Any person found to have committed a violation of this regulation shall be assessed a monetary penalty of thirty dollars (\$30.00) for each such violation, not including applicable court costs.

D. Whenever a court under this regulation imposes a monetary penalty, it is immediately payable. If the person is unable to pay at the time the penalty is imposed; the court may grant an extension of the period in which the penalty may be paid.

E. The court may waive, reduce or suspend the monetary penalty prescribed herein, and may impose such conditions on any waiver, reduction or suspension as it deems just. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service

in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

F. The first time a person has been issued a notice of infraction for violation of this regulation, if such person appears in person before the court and supplies the court with proof that between the date of the notice of infraction and the appearance date in court the person purchased a helmet that meets the requirements of this regulation, the court shall dismiss the notice of infraction without costs. Alternatively, the person issued a notice of infraction may supply the court or police department with such proof by mail, and the court, at its discretion, may elect to dismiss the notice of infraction without costs, or, if not satisfied with this proof, may require a personal appearance. (R&R No 03-05 (part), 7-18-2003: R&R No. 84 § 1 (part), 12-4-92)

Chapter 9.16

EFFECTIVE DATE

Sections:

9.16.010 Effective date.

9.16.010 Effective date.

A. This amendment* shall take effect thirty days from the date of its adoption by the board.
(R&R No 03-05 (part), 7-18-2003)

* **Editor's Note:** "This amendment" refers to the amendment of this title by R&R No. 03-05, which amendment was adopted on July 18, 2003, and therefore became effective on August 17, 2003.

Title 10BOARD OF HEALTH SOLID WASTE REGULATIONS*Chapters:

- 10.02 Citation and Purpose
- 10.03 Applicability and Definitions
- 10.04 Administration
- 10.05 Permits for Vehicles
- 10.06 (Reserved)
- 10.07 Biomedical Waste
- 10.08 Waste Management
- 10.09 Landfilling
- 10.10 Waste Screening
- 10.11 Unlawful Dumping
- 10.12 Solid Waste Handling Standards

Chapter 10.02CITATION AND PURPOSESections:

- 10.02.010 Citation.
- 10.02.020 Purpose and policy.

10.02.010 Citation.

This title may be cited and referred to, and shall be known as, the "King County Board of Health Solid Waste Regulations."

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.02.020 Purpose and policy.

A. Authority is established under RCW Chapter 70.05 and WAC Chapters 173-304, 173-350 and 173-351 for solid waste and RCW Chapter 70.93 and WAC Chapter 173-310 for litter control. This title is enacted as an exercise of the Board of Health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. This title governs solid waste handling, storage, collection, transportation, treatment, utilization, processing and final disposal of all solid

* **Editor's Note:** R&R No. 03-06 changed the name of this title from "Solid Waste Handling" to "Board of Health Solid Waste Regulations."

waste generated within King County, including issuance of permits and enforcement.

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

C. It is the specific intent of this title to place the obligation of complying with its requirements upon waste generators, haulers and/or operators of disposal sites, and no provision of nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.03

APPLICABILITY AND DEFINITIONS

Sections:

- 10.03.010 Applicability – State definitions adopted.
- 10.03.020 Definitions.

10.03.010 Applicability – State definitions adopted.

Except as otherwise specifically provided in this title, the "definitions" set forth in Chapter 173-303 WAC, Chapter 173-304 WAC, Chapter 173-350 WAC and Chapter 173-351 WAC are hereby adopted and by this reference made a part of this title.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.03.020 Definitions.

A. Approved. "Approved" means approved in writing by the health officer.

B. Health officer. "Health officer" means the Director of the Seattle-King County Department of Public Health or his/her designated representative.

C. Reserved. "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.04

ADMINISTRATION

Sections:

- 10.04.010 Other agencies and jurisdictions.
- 10.04.020 Enforcement authority.
- 10.04.030 Imminent and substantial dangers.

10.04.010 Other agencies and jurisdictions.

All solid waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to this title. Nothing in this title is intended to abridge or alter the rights of action by the state or by a person which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.04.020 Enforcement authority.

The health officer shall have the authority to enforce the provisions of this title in accordance with Chapter 1.08 of this code. The health officer is also authorized to adopt rules not inconsistent with the provisions of this title for the purpose of enforcing and carrying out its provisions.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.04.030 Imminent and substantial dangers.

Notwithstanding any provisions of this title the health officer may take immediate action to prevent an imminent and substantial danger to the public health by the improper management of any waste irrespective of quantity or concentration.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.05PERMITS FOR VEHICLESSections:

- 10.05.010 Definitions.
- 10.05.020 Permit required.
- 10.05.030 Permit application.
- 10.05.040 Permit issuance.
- 10.05.050 Permit expiration.

10.05.010 Definitions.

"Collection/transportation vehicle" means a vehicle, other than a biomedical waste collection/transportation vehicle, used to transport residential and commercial solid waste generated by others over the highways of King County. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.05.020 Permit required.

It shall be unlawful for any person to operate a collection/transportation vehicle without a valid permit issued by the health officer. Permits shall not be transferable and shall be valid only for the person or vehicle for which issued. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.05.030 Permit application.

Any person desiring to operate a collection/transportation vehicle shall submit two copies of a written application to the health officer, on a form to be obtained from the health officer. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, corporation or partnership, and, if a partnership, the names and mailing addresses of all of the partners; the vehicle storage address; and type of the respective solid waste collection/transportation vehicle; and shall be accompanied by the permit fee amount described in Chapter 2.14 of this code. (R&R No. 05-05 § 133, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003)

10.05.040 Permit issuance.

When inspection reveals that the applicable requirements of this title have been met and the applicable fee has been paid, a permit shall be issued to the applicant by

the health officer. The health officer may deny the application if in his/her judgment the operation of the vehicle is likely to result in a hazard to the public health and/or will not meet the requirements of this title. The health officer may also suspend or revoke a permit during its term for noncompliance with conditions of the permit, the permittee's failure to disclose relevant facts at any time, or if the permittee's activity endangers or manifests irresponsibility concerning public health or the environment. The health officer shall consider any relevant health and safety factors in making this determination. If an application is denied or a permit is suspended or revoked, the health officer at the time of the denial, suspension, or revocation shall inform the applicant in writing of the reasons for the denial or revocation and the applicant's right to an appeal pursuant to Chapter 70.95 RCW. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.05.050 Permit expiration.

All permits issued in accordance with this title expire on the December 31 following the date of issuance, except permits for collection/transport vehicles and biomedical waste transporters, which expire on the June 30 following the date of issuance. (R&R No. 05-05 § 134, 6-17-2005)

Chapter 10.06

(Reserved)

Editor's Note

Former Chapter 10.06, entitled *Fees*, was amended in its entirety, and relocated to Chapter 2.14 of this code, by Rule and Regulation No. 05-05.

Chapter 10.07BIOMEDICAL WASTESections:

- 10.07.010 Definitions.
- 10.07.020 Permitting.
- 10.07.030 Biomedical waste vehicle permitting.
- 10.07.040 Requirements related to transport of biomedical waste.
- 10.07.050 Requirements for biomedical waste vehicles.
- 10.07.060 Biomedical waste.

10.07.010 Definitions.

A. Biomedical Waste. "Biomedical waste" means and is limited to the following types of waste defined as "Biomedical waste" in RCW 70.95K.010, as amended:

1. "Animal waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

2. "Biosafety level 4 disease waste" is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

3. "Cultures and stocks" are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

4. "Human blood and blood products" is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

5. "Pathological waste" is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

6. "Sharps waste" is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

B. Biomedical Waste Collection/Transportation Vehicle. "Biomedical waste collection/transportation vehicle" means a collection/transportation vehicle used for the collection and transportation of biomedical waste over the highways.

C. Biomedical Waste Generator. "Biomedical waste generator" means any producer of biomedical waste to include without limitation the following categories: general acute care hospitals, skilled nursing facility or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians' offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes, or other similar facilities. "Biomedical waste generator" does not include residences that generate waste from occupants' self-treatment. Home-generated syringe wastes are excluded from this category if the containment and disposal requirements specified in Section 10.07.060 B.11.c of this title are followed.

D. Biomedical Waste Storage/Treatment Operator. "Biomedical waste storage/treatment operator" means a person who treats and/or stores biomedical waste and is not a biomedical waste generator.

E. Biomedical Waste Storage/Treatment Site. "Biomedical waste storage/treatment site" means a location where biomedical waste is stored for more than fifteen (15) days or treated by a person who is not a biomedical waste generator. Sites such as incinerators, steam sterilizers and other approved facilities will be considered biomedical waste storage/treatment sites.

F. Biomedical Waste Transporter. "Biomedical waste transporter" means a person who transports biomedical waste over public roads commercially or one who transports in volumes that equal or exceed one hundred (100) pounds per month.

G. Biomedical Waste Treatment. "Biomedical waste treatment" means biomedical waste treated by processes described in 10.07.060 C of this title or by a method approved in writing by the health officer.

H. Steam Sterilization. "Steam sterilization" means sterilizing biomedical waste by use of saturated steam within a pressure vessel at temperatures sufficient to kill all microbiological agents in the waste as determined by biological and chemical indicator monitoring requirements set forth in this title.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.07.020 Permitting.

It shall be unlawful for any person to operate a biomedical waste storage/treatment site or operate as a biomedical waste transporter without a valid permit issued by the health officer. Permits shall not be transferable and shall be valid only for the person and place or vehicle for which issued. Owners and operators of biomedical waste facilities shall comply with the permitting and other requirements of WAC 173-350-490.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.07.030 Biomedical waste vehicle permitting.

Any person intending to operate as a biomedical waste transporter shall submit two (2) copies of a written application to the health officer, on a form to be obtained from the health officer. Such application shall include the applicant's full name, post office address, and the name and signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, corporation or partnership, and, if a partnership, the names and mailing addresses of all of the partners; and the address and type of the respective biomedical waste collection/transportation vehicle; and shall be accompanied by the permit fee amount described in Section 2.14.010 of this code. The biomedical waste transporter permit application shall also state the legal description of the site(s) that the applicant is planning to use to treat biomedical waste, and have a contingency plan as described in Section 10.07.060 C.4 of this code.

(R&R No. 05-05 § 135, 6-17-2005; R&R No. 03-06 § 2 (part), 11-21-2003)

10.07.040 Requirements related to transport of biomedical waste.

Biomedical waste shall be transported over public roads only in a leakproof and fully enclosed container or vehicle compartment. Biomedical waste shall not be transported in the same vehicle with other waste or medical

specimens unless the biomedical waste is contained in a separate, fully enclosed leakproof container within the vehicle compartment. Biomedical waste shall be delivered for treatment only to a facility that meets all local, state and federal environmental regulations, as determined by the appropriate local, state and federal agencies. The transporter shall keep records of disposal for a period of at least three (3) years, and they shall be available to the health officer upon request. Surfaces of biomedical waste collection/transportation vehicles that have contacted spilled or leaked biomedical waste shall be decontaminated as described in this title.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.07.050 Requirements for biomedical waste vehicles.

Biomedical waste collection/transportation vehicles used by permitted biomedical waste transporters shall have a leakproof fully enclosed vehicle compartment of a durable and easily cleanable construction, and shall be identified on each side of the vehicle with the name or trademark of the biomedical waste transporter. Vehicles shall be cleaned frequently to prevent rodent/vector and odor nuisances. In addition, the health officer may require disinfection of any vehicle. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the health officer.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.07.060 Biomedical waste.

A. Biomedical Waste Management Plan. Each biomedical waste generator (BWG) and biomedical waste storage/treatment operator (BWSTO) must write a biomedical waste management plan with an internal annual review. The plan shall include all aspects of the BWG's or BWSTO's biomedical waste management. The plan must be followed by the BWG or BWSTO. The plan must include a listing of the BWG'S or BWSTO'S infection control staff/committee member(s); phone numbers of responsible individuals; definition of wastes handled by the system; department and individual responsibilities; procedures for waste identification, segregation, containment, transport, treatment, treatment monitoring, disposal, contingency planning, staff/house-keeping training for biomedical waste identification, as applicable, and compliance with biomedical waste regulations. The plan must include the chief executive officer's endorsement letter. The plan shall be available for inspection at the request of the health officer.

B. Storage and Containment of Biomedical Waste.

1. Storage of biomedical waste shall be in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents; and is accessible only to personnel authorized in the biomedical waste generator's biomedical waste management plan.

2. Biomedical waste shall be segregated from other waste by separate containment from other waste at the point of origin.

3. Biomedical waste, except for sharps, shall be contained in disposable leakproof plastic bags having a strength to prevent ripping, tearing, breaking or bursting under normal conditions of use. The plastic bags shall be appropriately marked by the generator as containing biomedical waste. The plastic bags shall be secured to prevent leakage or expulsion during storage. Note: This shall not apply to biomedical waste stored in rigid plastic, single-use or approved multiple-use marked containers.

4. Sharps shall be contained in leakproof, rigid, puncture resistant, break resistant containers which are labeled and tightly lidded during storage, handling and transport.

5. Biomedical waste held in plastic bags as described in subsection B.3 of this section shall be placed in other leakproof containers such as disposable or reusable pails, drums, or bins for storage, handling or transport. The containers shall be conspicuously labeled with the international biohazard symbol, and the words "Biomedical Waste" or other words that clearly denote the presence of biomedical waste.

6. Reusable containers:

a. Reusable containers for biomedical waste storage, handling or transport shall be thoroughly washed and decontaminated by an approved method each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags or other devices removed with the waste, separate from those required in subsection B. 3 of this section.

b. Approved methods of decontamination are agitation to remove visible solid residue combined with one of the following procedures:

i. Chemical Disinfection. Chemical disinfectants should be used in accordance with the manufacturer's recommendations for tuberculocidal and viricidal (Polio type 1 or 2, SA Rotovirus) killing capacities or by disinfectant concentration/contact times approved in writing by the health officer.

ii. Other method approved in writing by the health officer.

c. Reusable pails, drums or bins used for containment of biomedical waste shall not be used for any other purpose except after being disinfected by procedures as described in this paragraph and after the international biohazard symbol and words "Biomedical Waste" are removed.

7. Trash chutes shall not be used to transfer biomedical waste.

8. Unless approved in writing by the health officer, biomedical waste, other than sharps, shall be treated in accordance with subsection C of this section or delivered to a biomedical waste storage/treatment operator within fourteen (14) days from the generation of the waste. Sharps waste must be disposed in accordance with Section 10.07.060 B.11 or be transported to a storage/treatment facility within ninety (90) days commencing from the time the sharps container is sealed.

9. Biomedical waste shall not be subject to compaction prior to treatment.

10. Biomedical waste shall not be placed into the general solid waste stream prior to treatment.

11. At no time shall treated sharps waste, except incinerated sharps waste, be disposed into the general solid waste stream, unless approved in writing by the health officer.

a. Treated sharps waste, except incinerated sharps waste, shall be segregated from the general solid waste stream in approved sharps containers for disposal at a medical waste treatment facility or landfill approved by the health officer. Treated sharps waste shall not be mixed with the general solid waste stream at any time.

b. The transporter of treated sharps waste, excluding incinerated sharps waste, must notify the disposal site operator prior to transporting the sharps waste to allow for adequate site preparation and staff availability. The sharps waste shall be covered with at least six inches (6") of compacted waste material within twenty-four (24) hours of disposal.

c. Home-generated sharps are exempt from other provisions of Section 10.07.060 if prepared for disposal by a means that protects medical handlers, solid waste workers and the public from injury. The disposal of home generated sharps shall be limited to:

i. Depositing sharps at a medical facility which has agreed to accept home-generated sharps;

ii. Depositing properly contained sharps at a pharmacy that provides a program to dispose sharps waste that meets the requirements of these regulations;

iii. Acquiring a pickup service from a biomedical waste transporter permitted by the health officer;

iv. Outside the City of Seattle: Depositing the sharps in the regular household garbage, provided that they are contained in a manner that protects solid waste workers and the public. Such containment shall be limited to the following:

(A) Needle clippers approved by the health officer. Such devices shall clip the needle from the syringe directly into a crush-proof container and render the syringe barrel harmless, or

(B) Two (2) liter clear P.E.T. plastic bottles commonly used for soft drink containers. Such bottles shall be tightly capped and taped to further secure the cap to the bottle. The bottle must be labeled/marked "Warning: Syringes, Do Not Recycle.";

v. Within the City of Seattle: The Seattle Municipal Code governs the disposal of home-generated sharps as solid waste.

vi. Other methods approved by the health officer.

C. Biomedical Waste Treatment.

1. Biomedical waste shall be treated prior to disposal by one or more of the following methods:

a. Cultures and stocks of etiologic agents and associated biologicals: steam sterilization, incineration or other treatment method approved in writing by the health officer;

b. Biomedical waste: steam sterilization, incineration or other treatment method approved in writing by the health officer;

c. Sharps: incineration, containment as described in this title or other treatment method approved in writing by the health officer;

d. Pathological waste: incineration, interment or other treatment method approved in writing by the health officer. Tissue of 0.5 centimeters or less in diameter may be disposed into an approved sewer system with the approval of the local sewer authority;

e. Human body fluids shall be considered treated biomedical waste when they are:

i. Poured directly into an approved sanitary sewer system;

ii. Incinerated; or

iii. Absorbed by materials such as bandages, sanitary napkins or commercial absorbents so that the fluid will not be released from the material and/or become airborne during normal solid waste handling practices;

f. Wastes that have come into contact with human body fluids from patients diagnosed with pathogenic organ-

isms assigned to Biosafety Level 4: steam sterilization, incineration or other treatment method approved in writing by the health officer;

g. Animal waste exposed to pathogens in research: incineration or other treatment method approved in writing by the health officer.

2. Biomedical waste treatment and disposal shall be conducted as follows:

a. Steam Sterilization. Steam sterilization by heating in a steam sterilizer so as to kill all microbiological agents as determined by chemical and biological indicator monitoring requirements set forth in this section. Operating procedures for steam sterilizers shall include, but not be limited to, the following:

i. Adoption of standard written operating procedures for each steam sterilizer, including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content and maximum load quantity;

ii. Check of recording and/or indicating thermometers during each complete cycle to ensure the attainment of a minimum temperature of two hundred fifty degrees Fahrenheit (250° F) or one hundred twenty-one degrees centigrade (120° C) for one-half (1/2) hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually;

iii. Use of heat-sensitive tape or other device for each load that is processed to indicate that the load has undergone the steam sterilization process;

iv. Use of the chemical migrating integrator Thermalog-S, or other chemical integrator meeting equivalent time, temperature and steam indicator specifications, based upon *Bacillus stearothermophilus* spore kill steam sterilization parameters, approved in writing by the health officer. The chemical integrator shall be placed at the center load of each cycle to confirm attainment of adequate sterilization conditions for each biomedical waste treatment cycle run;

v. Use of the biological indicator, *Bacillus stearothermophilus*, or other biological indicator approved in writing by the health officer, placed at the center of a load processed under standard operating conditions at least monthly to confirm the attainment of adequate sterilization conditions.

vi. Maintenance of records of procedures specified in paragraphs i, ii, iii, iv and v of this subsection for a period of not less than three (3) years;

vii. Development and implementation of a written steam sterilization training program for steam sterilizer operators. Biomedical waste so treated shall be disposable into the general solid waste stream provided it is not otherwise hazardous waste or nonincinerated sharps waste.

b. Incineration. Incineration shall be conducted at a sufficient temperature and for sufficient duration that all combustible material is reduced to ash; that no unburned combustible material is evident in the ash. Operating procedures for incinerators shall include, but not be limited to, the following:

i. Adoption of a standard written operating procedure for each incinerator that takes into account: variation in waste composition, waste feed rate and combustion temperature;

ii. Development and implementation of a written incinerator operator training program for incinerator operators;

iii. Implementation of a program to test incinerator ash for extractable heavy metals prior to disposal at a licensed disposal site. Should the incinerator ash fail the Toxicity Characteristics Leaching Procedure (TCLP) analysis for heavy metals, the ash must be handled as a State Dangerous Waste under WAC Chapter 173-303;

iv. Records of generator, quantities and destruction shall be maintained by the incinerator owner/operator for a period of not less than three (3) years.

c. Interment. Interment of pathological waste shall be conducted in such a manner so as to meet all federal, state and local regulations.

3. Biomedical waste treated in accordance with this section, with the exception of nonincinerated sharps waste, shall be considered solid waste and may be disposable into the general solid waste stream.

4. Contingency planning. Each biomedical waste generator and biomedical waste storage/treatment operator must have an alternative plan for the treatment of biomedical waste to be used in the event that changes at the primary treatment facility result in that facility no longer conforming to the requirements of this code.

D. Biomedical Waste Storage/Treatment Site Requirements. Biomedical waste storage areas must comply with the following requirements:

1. Unless otherwise approved by the health officer, the biomedical waste storage area must be located on the same site as the treatment facility.

2. The storage area shall be kept locked and accessible only to authorized personnel at all times.

3. The storage area shall be conspicuously marked with a sign twelve inches by twelve inches (12" x 12") with the words "Biomedical Waste" and the international biohazard symbol.

4. The storage area shall be constructed of cleanable materials and kept in a sanitary condition. A spill kit must be available at the site.

5. The waste shall be stored in a nonputrescent state using refrigeration when necessary.

6. The total combined time biomedical waste can be stored with the biomedical waste transporter and the storage/treatment site, prior to disposal, shall be fifteen (15) days unless otherwise approved by the health officer.

E. Transfer of Biomedical Waste. Any biomedical waste generator who produces more than one hundred (100) pounds of biomedical waste per month that requires off-site biomedical waste treatment shall have the waste transported only by a biomedical waste transporter.

F. Inspection. The health officer shall have the authority to inspect any biomedical waste generator (BWG) or biomedical waste storage/treatment operator (BWSTO), at any reasonable time, for the purpose of evaluating the BWG's or BWSTO's written biomedical waste management plan, to determine if the BWG's or BWSTO's biomedical waste is being handled, stored, treated and disposed in accordance with this regulation. The health officer shall have the authority to inspect any biomedical waste transporter at any reasonable time, for the purpose of determining if the provisions of this title are being met.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.08

WASTE MANAGEMENT

Sections:

- 10.08.010 Definitions.
- 10.08.020 Yard debris.
- 10.08.030 Asbestos-containing waste material.
- 10.08.040 Animal waste.
- 10.08.050 Garbage removal.
- 10.08.060 City of Seattle requirements.

10.08.010 Definitions.

A. Asbestos. "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite),

tremolite, chrysolite (serpentinite), crocidolite (riebeckite) or anthophyllite.

B. Construction, Demolition, Landclearing (CDL) Waste. "CDL waste" means any combination of recyclable or nonrecyclable construction, demolition and landclearing waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures, or from landclearing for development, and requires removal from the site of construction, demolition or landclearing.

C. Construction Waste. "Construction waste" means wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, and other building material; and plastics, styrofoam, twine, baling and strapping materials, cans, buckets, and other packaging materials and containers. It also includes sand, rocks and dirt that are used in construction. In no event shall "construction waste" include dangerous or extremely hazardous waste of any kind, garbage, sewerage waste, animal carcasses or asbestos.

D. Demolition Waste. "Demolition waste" means concrete, drywall, asphalt, wood, masonry, roofing (including composition roofing), siding, structural metal, wire, insulation, and other materials found in demolished buildings, roads, and other structures. It also includes sand, rocks and dirt that result from demolition. In no event shall "demolition waste" include dangerous or extremely hazardous waste, liquid waste, garbage, sewerage waste, animal carcasses or asbestos.

E. Land Clearing Waste. "Land clearing waste" means natural vegetation and minerals such as stumps, brush, blackberry vines, tree branches, and associated dirt, sand, tree bark, sod and rocks.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.08.020 Yard debris.

A. Yard debris that has been segregated from the waste stream for the purposes of recycling at a centralized facility shall be stored and transported in such a way as to minimize the creation of odors and excess waste.

B. Outside the City of Seattle. Plastic bags shall not be used to store or transport yard debris. Residential yard debris collection companies shall reject pick-up service of yard debris that has been stored in plastic bags. Rejected loads shall be tagged to explain the reason for rejection. Solid wastes other than yard debris shall not be disposed with yard debris segregated for the purposes of recycling at a centralized facility. Residential yard debris collection companies shall reject pick-up services of yard debris that are substantially contaminated with other

solid wastes. Rejected loads shall be tagged to explain the reason for its rejection.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.08.030 Asbestos-containing waste material.

A. Asbestos-containing waste shall be handled and disposed pursuant to 40 CFR Part 61 Subpart M, WAC Chapter 173-303, and Article 10 of Regulation No. III, Article 4 of the Puget Sound Clean Air Agency (PSCAA).

B. Disposal. Generators of regulated asbestos-containing waste material, regardless of quantity, shall dispose of their waste at a landfill approved by the health officer. The generator must notify the disposal site operator prior to transporting the asbestos waste to allow for adequate site preparation and staff availability. The asbestos-containing waste material shall be covered with at least fifteen (15) centimeters (six inches (6")) of compacted nonasbestos-containing waste material within twenty-four (24) hours of disposal. Asbestos waste shall not be disposed of at transfer stations unless separate provisions are approved (by the health officer) and in place for receiving, storing, monitoring and transporting the material to an approved landfill.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.08.040 Animal waste.

A. Dead Animals. Dead animals shall be disposed of in a manner to protect the public health and the environment. Their disposal shall be consistent with local codes. Outside the City of Seattle, animals weighing fifteen (15) pounds or less may be disposed with the general household waste. Animals weighing more than fifteen (15) pounds shall be taken to a rendering plant, a veterinary clinic, an animal shelter, pet cemetery or can be disposed of directly at landfills or transfer stations so as not to create a nuisance. Property owners may bury dead animals on their property, so long as no nuisance is created.

B. Dog Droppings. Dog droppings shall be disposed of in a manner, such as burial, which does not create a nuisance. Their disposal shall be consistent with other applicable laws, ordinances, rules and regulations. Dog droppings may be disposed of into the sewer if the system is served by Metro or other large sewer treatment facility which will accept such waste. This waste shall not be put into a septic system.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.08.050 Garbage removal.

Garbage shall be removed from the premises no less than once per week, unless a different frequency is approved by the health officer.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.08.060 City of Seattle requirements.

Within the City of Seattle, the solid waste management, collection, transportation and storage requirements of Seattle Municipal Code Chapter 21.36, as may hereafter be amended, shall govern instead of this title.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.09

LANDFILLING

Sections:

- 10.09.010 Definitions.
- 10.09.020 Adoption of state minimum functional standards for solid waste handling and criteria for municipal solid waste handling.
- 10.09.030 Closure.
- 10.09.040 Abandoned landfill sites.
- 10.09.050 Methane monitoring.
- 10.09.060 Construction standards for methane control.

10.09.010 Definitions.

Abandoned Landfills. "Abandoned landfills" means those landfills closed prior to the requirement of obtaining a closure permit.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.09.020 Adoption of state minimum functional standards for solid waste handling and criteria for municipal solid waste handling.

Except as otherwise specifically provided in this title, the provisions of Chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling, as amended, and Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills, as amended, are hereby adopted and by this reference made a part of this title. In case of conflict between the state administrative code provisions and this title, the more stringent provisions of this title shall be controlling.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.09.030 Closure.

A. Following the closure of a landfill or landfill site, and inspection by the health officer, necessary maintenance and repairs shall be made by the owner and/or operator of the site until the fill has been stabilized for a period of thirty (30) years or longer as required by the health officer. Necessary maintenance includes leachate collection and treatment, methane testing and control, fumarole and surface repairs and other conditions required by the health officer. The owner and/or operator shall inspect the site on an approved schedule as necessary to verify conditions. Annually, until the site has been stabilized, the owner and/or operator of a closed disposal site shall submit a report prepared by an approved engineer stating the conditions noted from the inspections of the site and any alterations from the original closure plan, and any recommended revisions. Any construction or excavation on a completed landfill shall proceed only after written notification to and approval by the health officer.

B. Surety Bond Additional Requirements. A surety bond must be renewed annually after the completion of any landfill or inert/demolition landfill site until the fill has been stabilized for a period of thirty (30) years or as long as required by the health officer.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.09.040 Abandoned landfill sites.

All abandoned landfills shall be maintained by the owner and/or operator so as not to create a risk to the public health. The health officer shall have the authority to require surface repairs, methane monitoring and control, surface water and groundwater monitoring, leachate control, and any additional measures determined necessary to protect the public health and the environment.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.09.050 Methane monitoring.

All landfills except inert waste landfills shall provide for adequate venting, collecting or redirecting of gases generated by solid waste. No methane shall be allowed to migrate to or beyond the property boundary above or below the ground in concentrations greater than the lower explosive limit for methane, or in excess of one hundred (100) parts per million by volume of hydrocarbons (expressed as methane) in off-site structures, or in excess of twenty-five percent (25%) of the lower explosive limit for gases in facility structures (excluding gas control or re-

covery system components). It shall be the responsibility of the landfill operator and/or owner to develop a sampling and testing program to monitor gas production and migration, and to obtain approval from the health officer for such program.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.09.060 Construction standards for methane control.

A. Applicability. This construction restriction applies to all construction activities on or within one thousand feet (1,000') of an active, closed or abandoned landfill that has been documented by the health officer to be generating levels of methane gas on-site at the lower explosive limit or greater levels. The distance shall be calculated from the location of the proposed structure to the nearest property line of the active or former landfill site.

B. Requirements. All enclosed structures to be built within the one-thousand-foot (1,000') landfill zone must be protected from potential methane migration. The method for insuring a structure's protection from methane shall be addressed in a report submitted by a licensed professional engineer to the local building department for approval. Such a report shall contain a description of the investigation and recommendation(s) for preventing the accumulation of explosive concentrations of methane gas within or under enclosed portions of the proposed building or structure. At the time of final inspection, the professional engineer shall furnish a signed statement attesting that the building or structure has been constructed in accordance with his/her recommendations for addressing methane gas migration.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.10

WASTE SCREENING

Sections:

- 10.10.010 Dangerous waste.
- 10.10.020 Disposal site inspection and screening.
- 10.10.030 Notice requiring screening.
- 10.10.040 Excavated material inspection and screening.

10.10.010 Dangerous waste.

The health officer may screen any wastes or fill material suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the health officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to transfer the waste to a specified treatment or disposal site. If the health officer determines that the waste is a regulated dangerous waste, he/she shall notify the Department of Ecology, which shall have full jurisdiction regarding handling and disposal. The Dangerous Waste Regulations, WAC Chapter 173-303, shall be considered when screening and making waste determinations. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.10.020 Disposal site inspection and screening.

If during inspections of waste the health officer observes waste suspected of being regulated dangerous waste because of physical properties of the waste, he/she shall have the authority to require the site operator to segregate and hold any such waste. If the health officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis and if the generator is not known, the site operator shall be responsible for funding such analysis. The disposal site operator and/or attendants shall have similar authority not to accept suspect wastes. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.10.030 Notice requiring screening.

When such wastes are identified as being suspect dangerous wastes the health officer may issue a notice requiring screening. This notice will specify requirements which must be met to satisfy the screening process and a schedule for compliance. (R&R No. 03-06 § 2 (part), 11-21-2003)

10.10.040 Excavated material inspection and screening.

The health officer shall have the authority to inspect and screen any excavated dirt, dredge spoil, soil or other material intended for use as upland fill if the material is suspected of containing contaminants at significant levels to endanger the public health, safety or the environment. The health officer may require the suspect material to be tested to identify the contaminant(s) and/or the concentration. If the material is determined not to be a dangerous

waste, but still contains a significant level of contaminants which could create a problem from becoming airborne (breathing or nuisance odor), skin contact, leaching into surface waters or groundwaters or entering the food chain, or contains a level of contamination above that specified in the Washington State Model Toxics Control Act Regulations (WAC Chapter 173-340) for soils, the health officer can regulate the material as solid waste. Persons excavating soils in any areas of unincorporated King County or the incorporated cities that encounter a significant quantity of suspect material - such as leaked or spilled fuel oil (Bunker C or Diesel), gasoline, or other volatile (odorous) compounds, slag, industrial waste or other solid waste - shall contact the health officer for determination of appropriate handling and disposal.
(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.11

UNLAWFUL DUMPING

Sections:

- 10.11.010 Definitions.
- 10.11.020 Solid waste dumping prohibited.
- 10.11.030 Identification of responsible person.
- 10.11.040 Other agency requirements.

10.11.010 Definitions.

"Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.
(R&R No. 03-06 § 2 (part), 11-21-2003)

10.11.020 Solid waste dumping prohibited.

It is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this State, except at a solid waste disposal site for which there is a valid permit; provided, that nothing herein shall prohibit a person from dumping or depositing agricultural waste resulting from his/her own activities onto or under the surface of ground owned or leased by him/her when

such action does not violate statutes or ordinances, or create a nuisance.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.11.030 Identification of responsible person.

A. Whenever solid waste dumped in violation of this title contains three (3) or more items bearing the name of one (1) individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of dumping.

B. When the health officer investigates a case of unlawful dumping and finds no identification in the solid waste, nor other evidence, he/she may then order the property owner to remove said solid waste from his/her land. Where this occurs on private land the property owner or occupant shall be responsible for removal. Where this occurs on public land the appropriate governmental agency shall be responsible for removal.

(R&R No. 03-06 § 2 (part), 11-21-2003)

10.11.040 Other agency requirements.

The provisions of this chapter are not intended to supersede or take the place of ordinances, rules and regulations of other local government agencies governing unlawful dumping.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Chapter 10.12

SOLID WASTE HANDLING STANDARDS

Sections:

10.12.010 Adoption of state solid waste handling standards.

WAC 173-350-010	Purpose
173-350-020	Applicability
173-350-025	Owner Responsibilities for Solid Waste
173-350-030	Effective Dates
173-350-040	Performance Standards
173-350-100	Definitions
173-350-200	Beneficial Use Permit Exemptions
173-350-210	Recycling
173-350-220	Composting Facilities
173-350-230	Land Application
173-350-240	Energy Recovery and Incineration

173-350-300	On-site Storage, Collection, and Transportation Standards
173-350-310	Intermediate Solid Waste Handling Facilities
173-350-320	Piles Used for Storage or Treatment
173-350-330	Surface Impoundments and Tanks
173-350-350	Waste Tire Storage and Transportation
173-350-360	Moderate Risk Waste Handling
173-350-400	Limited Purpose Landfills
173-350-410	Inert Waste Landfills
173-350-490	Other Methods of Solid Waste Handling
173-350-500	Ground Water Monitoring
173-350-600	Financial Assurance Requirements
173-350-700	Permits and Local Ordinances
173-350-710	Permit Application and Issuance
173-350-715	General Permit Application Contents
173-350-900	Corrective Action
173-350-990	Criteria for Inert Waste

10.12.010 Adoption of state solid waste handling standards.

Except as otherwise specifically provided in this title, the provisions of Chapter 173-350 WAC, Solid Waste Handling Standards, are hereby adopted and by this reference made a part of this title. In the event that any amendment to Chapter 173-350 WAC results in a provision less stringent than this title, the more stringent provisions of this title shall be controlling.

173-350-010 Purpose.

This chapter is adopted under the authority of chapter 70.95 RCW, Solid waste management – Reduction and recycling, to protect public health, to prevent land, air, and water pollution, and conserve the state’s natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling and disposal of solid waste originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level;

(3) Following the priorities for the management of solid waste as set by the legislature in chapter 70.95 RCW, Solid waste management – Reduction and recycling.

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government related to solid waste;

(5) Requiring solid waste handling facilities to be located, designed, constructed, operated and closed in accordance with this chapter;

(6) Promoting regulatory consistency by establishing statewide minimum standards for solid waste handling; and

(7) Encouraging the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling.

173-350-020 Applicability.

This chapter applies to facilities and activities that manage solid wastes as that term is defined in WAC 173-350-100. This chapter does not apply to the following:

(1) Overburden from mining operations intended for return to the mine;

(2) Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;

(3) Wood waste directly resulting from the harvesting of timber left at the point of generation and subject to chapter 76.09 RCW, Forest practices;

(4) Land application of manures and crop residues at agronomic rates;

(5) Home composting as defined in WAC 173-350-100;

(6) Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4);

(7) Clean soils and clean dredged material as defined in WAC 173-350-100;

(8) Dredged material as defined in 40 CFR 232.2 that is subject to:

(a) The requirements of a permit issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(b) The requirements of a permit issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(c) In the case of U.S. Army Corps of Engineers civil works projects, the administrative equivalent of the permits referred to in (a) and (b) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2, and 337.6;

(9) Biosolids that are managed under chapter 173-308 WAC, Biosolids management;

(10) Domestic septage taken to a sewage treatment plant permitted under chapter 90.48 RCW, Water pollution control;

(11) Liquid wastes, the discharge or potential discharge of which, is regulated under federal, state or local water pollution permits;

(12) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

(13) Dangerous wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;

(14) Special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards;

(15) PCB wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:

(a) PCB household waste; and

(b) PCB bulk product wastes identified in 40 CFR Part 761.62(b)(1) that are disposed of in limited purpose landfills;

(16) Radioactive wastes, defined by chapter 246-220 WAC, Radiation protection – General provisions, and chapter 246-232 WAC, Radioactive protection – Licensing applicability;

(17) Landfilling of municipal solid waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

(18) Drop boxes used solely for collecting recyclable materials;

(19) Intermodal facilities as defined in WAC 173-350-100; and

(20) Solid waste handling facilities that have engaged in closure and closed before the effective date of this chapter.

173-350-025 Owner responsibilities for solid waste.

The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property.

173-350-030 Effective dates.

(1) *Effective dates.* These standards apply to all facilities, except existing facilities, upon the effective date of this chapter.

(2) *Effective dates - Existing facilities.*

(a) The owner or operator of existing facilities shall:

(i) Meet all applicable operating, environmental monitoring, closure and post-closure planning, and financial assurance requirements of this chapter within twenty-four months of the effective date of this chapter; and

(ii) Meet all applicable performance and design requirements, other than location or setback requirements, within thirty-six months of the effective date of this chapter.

(b) These standards apply to all new solid waste handling units at existing facilities upon the effective date of this chapter.

(c) The owner or operator of existing facilities shall initiate the permit modification process outlined in WAC 173-350-710(4) within eighteen months after the effective date of this chapter. If a permit modification is necessary, every application for a permit modification shall describe the date and methods for altering an existing facility to meet (a)(i) through (iii) of this subsection.

(d) The jurisdictional health department shall determine if a new permit application is required based on the extent of the changes needed to bring the facility into compliance.

(e) An existing facility completing closure within twelve months of the effective date of this chapter may close in compliance with the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling. Any facility that does not complete closure within twelve months of the effective date of this chapter shall close in compliance with applicable requirements of this chapter.

173-350-040 Performance standards.

The owner or operator of all solid waste facilities subject to this chapter shall:

(1) Design, construct, operate, and close all facilities in a manner that does not pose a threat to human health or the environment;

(2) Comply with chapter 90.48 RCW, Water pollution control and implementing regulations, including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington;

(3) Conform to the approved local comprehensive solid waste management plan prepared in accordance with chapter 70.95 RCW, Solid waste management - Reduction and recycling, and/or the local hazardous waste management plan

prepared in accordance with chapter 70.105 RCW, Hazardous waste management;

(4) Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with chapter 70.94 RCW, Washington Clean Air Act; and

(5) Comply with all other applicable local, state, and federal laws and regulations.

173-350-100 Definitions.

When used in this chapter, the following terms have the meanings given below.

"Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks shall not be considered part of the active area of a facility.

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

"Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

"Below ground tank" means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

"Buffer" means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

"Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

"Clean soils and clean dredged material" means soils and dredged material that do not contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils, or sediments; or pose a threat to the health of humans or other living organisms.

"Closure" means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

"Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with

the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070(8)(b).

"Conditionally exempt small quantity generator (CESQG) waste" means dangerous waste generated by a conditionally exempt small quantity generator.

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

"Contaminated soils and contaminated dredged material" means soils and dredged material that contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils or sediments, or pose a threat to the health of humans or other living organisms.

"Corrosion expert" means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

"Crop residues" means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

"Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

"Department" means the Washington state department of ecology.

"Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

"Disposable containers" means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

"Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

"Domestic septage" means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

"Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

"Energy recovery" means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

"Existing facility" means a facility which is owned or leased, and in operation, or for which facility construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

"Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Facility construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

"Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

"Garbage" means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

"Ground water" means that part of the subsurface water that is in the zone of saturation.

"Holocene fault" means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

"Household hazardous wastes" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

"Hydrostratigraphic unit" means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

"Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

"Incompatible waste" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

"Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

"Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 173-350-990.

"Inert waste landfill" means a landfill that receives only inert wastes.

"Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

"Jurisdictional health department" means city, county, city-county or district public health department.

"Land application site" means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agronomic or soil-amending capability.

"Land reclamation" means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Leachate" means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste.

"Limited purpose landfill" means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs)

Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

"Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

"Liquid waste" means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

"Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

"Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

"Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

"Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3).

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source

and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

- Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;
- Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup – Model Toxics Control Act, chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor
- Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

"Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

"New solid waste handling unit" means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

"Nuisance odor" means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

"One hundred year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

"Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

"Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

"Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

"Person" means an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

"Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

"Point of compliance" means a point established in the ground water by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

"Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

"Premises" means a tract or parcel of land with or without habitable buildings.

"Private facility" means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

"Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

"Product take-back center" means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

"Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons;

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

"Representative sample" means a sample that can be expected to exhibit the average properties of the sample source.

"Reserved" means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.

"Reusable containers" means containers that are used more than once to handle solid waste, such as garbage cans.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.

"Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.

"Scavenging" means the removal of materials at a disposal facility, or intermediate solid waste-handling facility, without the approval of the owner or operator and the jurisdictional health department.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years..

"Setback" means that part of a facility that lies between the active area and the property boundary.

"Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage

sludge – Biosolids and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

"Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

"Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Storage" means the holding of solid waste materials for a temporary period.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

"Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

"Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

"Treatment" means the physical, chemical, or biological processing of solid waste to make such solid wastes

safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

"Type 1 feedstocks" means source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, preconsumer vegetative food wastes, other similar source-separated materials that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances, human pathogens, and physical contaminants.

"Type 2 feedstocks" means manure and bedding from herbivorous animals that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants when compared to a type 1 feedstock.

"Type 3 feedstocks" means meat and postconsumer source-separated food wastes or other similar source-separated materials that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants, but are likely to have high levels of human pathogens.

"Type 4 feedstocks" means mixed municipal solid wastes, postcollection separated or processed solid wastes, industrial solid wastes, industrial biological treatment sludges, or other similar compostable materials that the jurisdictional health department determines to have a comparable high level of risk in hazardous substances, human pathogens and physical contaminants.

"Universal wastes" means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

"Unstable area" means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

"Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

"Vector" means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

"Vermicomposting" means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthanate, or copper-chrome-arsenate.

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

"Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

173-350-200 Beneficial use permit exemptions.

(1) *Beneficial use permit exemption - Applicability.*
Any person may apply to the department for exemption from

the permitting requirements of this chapter for beneficial use of solid waste. Applications for permit exemptions shall be prepared and submitted in accordance with the requirements of subsections (3) and (4) of this section. Upon the department's approval of an application for permit exemption, all approved beneficial use of solid waste shall be conducted in accordance with the terms and conditions for approval, as well as those general terms and conditions prescribed in subsection (2) of this section.

(2) Beneficial use permit exemption - General terms and conditions.

(a) The following general terms and conditions apply to all permit exempt beneficial uses of solid waste. All persons beneficially using solid waste approved for permit exemption in accordance with this section shall:

(i) Conduct the beneficial use in a manner that does not present a threat to human health or the environment;

(ii) Ensure that the material is not a dangerous waste regulated under chapter 173-303 WAC, Dangerous waste regulations;

(iii) Not dilute a waste, or the residual from treatment of a waste, as a substitute for treatment or disposal;

(iv) Comply with all applicable federal, state, and local rules, regulations, requirements and codes, and local land use requirements;

(v) Immediately notify the department and the jurisdictional health department of any accidental release(s) of contaminants to the environment

(vi) Separate wastes intended for beneficial use from wastes that are destined for disposal, prior to entering the location where the beneficial use will occur;

(vii) Manage the waste in a manner that controls vector attraction;

(viii) Ensure that solid waste being stored prior to being beneficially used is managed in accordance with the requirements of all applicable sections of this chapter;

(ix) Allow the department or the jurisdictional health department, at any reasonable time, to inspect the location where a permit exempt solid waste is stored or used to ensure compliance with applicable terms and conditions of this section; and

(x) Prepare and submit a copy of an annual report to the department by April 1st on forms supplied by the department. The annual report shall detail the activities of the exemption holder during the previous calendar year and shall include the following information:

- (A) The permit exemption number applicable to the beneficial use activity;
- (B) The name, address, and telephone number of the exemption holder;
- (C) The amount of solid waste beneficially used;
- (D) A certification that the nature of the waste and the operating practices have been in compliance with the terms and conditions of this section and the beneficial use permit exemption during the calendar year; and
- (E) Any additional information that may be specified by the department under the beneficial use permit exemption.

(b) In addition to the general terms and conditions established in (a) of this subsection, solid wastes applied to the land for agronomic value or soil amending capability under a beneficial use permit exemption shall:

(i) Meet the metals standards required by the Washington state department of agriculture (WSDA) for registered commercial fertilizers by following the procedures of WAC 16-200-7062 through 16-200-7064, Feeds, fertilizers, and livestock remedies;

(ii) Be applied at an application rate and in a manner that ensures protection of ground water and surface water. At a minimum, the application rate shall take into account the concentration of available nutrients and micro-nutrients in the soil amendment, other solid waste applied to the land, residual nutrients at the application site(s), additional sources of nutrients, pollutant loading rates, soil and waste pH, soil type, crop type and vertical separation from ground water; and

(iii) Not be stored at an application site during periods when precipitation or wind will cause migration from the storage area, unless the site is specifically designed to accommodate storage during these periods. The quantity stored at an application site shall not exceed the maximum needed to meet the annual needs of the site based on the approved application rate. When a soil amendment is stored at an application site it shall not contain liquid waste unless the requirements of WAC 173-350-330 are met.

(c) The department may require a person operating under any exemption issued under this section to meet additional or more stringent requirements for protection of human health and the environment, or to ensure compliance with other applicable regulations:

(i) At the time the department approves an application for a beneficial use permit exemption; or

(ii) When new information becomes available that warrants additional protections, but in the opinion of the

department does not necessitate revocation of the beneficial use permit exemption.

(d) The department shall notify in writing the exempted party and all jurisdictional health departments of any additional or more stringent requirements.

(3) *Beneficial use permit exemption - Initial application procedure.* Any person(s) interested in obtaining a statewide exemption from solid waste permitting requirements for the beneficial use of a solid waste must demonstrate to the satisfaction of the department that the proposed use does not present a threat to human health and the environment. Applications shall be submitted to the department on a form supplied by the department. All application attachments and other submittals must be on paper no larger than 11 inch x 17 inch. The application shall at a minimum contain the following:

(a) The name(s), address(es) and phone number(s) of the waste generator(s);

(b) The name(s), address(es) and phone number(s) of the applicant. If the applicant is a broker or other third party the uniform business identifier number shall also be included;

(c) A list of all product(s) made by the waste generator(s);

(d) A list of all feedstocks used to manufacture the product(s);

(e) A description of the solid waste and the proposed beneficial use;

(f) A description of how the waste will be transported or distributed for the proposed beneficial use;

(g) A description of other materials that contribute or potentially contribute contaminants/pollutants to the waste to be beneficially used;

(h) A schematic and text summary of the waste generator(s) operations, including all points where wastes are generated, treated or stored;

(i) A description of how terms and conditions of subsection (2)(a) of this section will be met;

(j) A State Environmental Policy Act checklist;

(k) If the beneficial use is proposed as a soil amendment, or for other solid wastes beneficially applied to the land, a description of how the terms and conditions of subsection (2)(b) of this section will be met; and

(l) Any additional information deemed necessary by the department.

(4) *Beneficial use permit exemption - Secondary application procedure.* Beneficial use permit exemptions, approved by the department in accordance with the procedures of subsection (5) of this section, are granted solely to

the original applicant(s). Any person, other than the original applicant(s), interested in beneficially using solid waste pursuant to the terms and conditions of an existing permit exemption shall apply to the department by following the procedures described in subsection (3) of this section.

(5) Beneficial use permit exemption - Determination, revocation, and appeals.

(a) The department shall review every application for completeness. Once an application is determined to be complete, the department shall:

(i) Notify the applicant that the application has been determined to be complete.

(ii) Forward a copy of the complete application and supporting documentation to all jurisdictional health departments for review and comment. Within forty-five calendar days, the jurisdictional health departments shall forward their comments and any other information that they deem relevant to the department.

(iii) The department shall develop and maintain a register of all complete applications it receives for beneficial use exemptions. The register shall include information regarding the proposed beneficial use and process for submitting comments. The department shall maintain a list of interested parties and forward the register to those parties. The department may provide the register and application information in an electronic form upon request by an interested party.

(b) Once a determination is made by the department that an application is complete and the public review process has begun, any changes to the application or submittal of additional information by the applicant shall result in a withdrawal of the completeness determination by the department and termination of the public review process. The department shall resume review of the amended application in accordance with the procedures of (a) of this subsection.

(c) After completion of the comment period, the department shall review comments, technical information from agency and other publications, standards published in regulations, and other information deemed relevant by the department to render a decision.

(d) Every complete application shall be approved or disapproved by the department in writing within ninety days after receipt. Exemptions shall be granted by the department only to those beneficial uses of solid waste that the department determines do not present a threat to human health or the environment.

(e) Upon approval of the application by the department, the beneficial use of the solid waste by the original applicant is exempt from solid waste handling permitting for use anywhere in the state consistent with the terms and conditions of the approval.

(f) The department may require a person operating under any exemption covered by this section to apply to the jurisdictional health department for a solid waste handling permit under the applicable section of this chapter if:

(i) The exemption holder fails to comply with the terms and conditions of this section and the approval; or

(ii) The department determines that the exemption was obtained by misrepresenting or omitting any information that potentially could have affected the issuance or terms and conditions of an exemption; or

(iii) New information not previously considered or available as part of the application demonstrates to the department that management of the waste under a beneficial use permit exemption may present a threat to human health or the environment.

(g) The department shall provide written notification to the exempted party and all jurisdictional health departments of any requirement to apply for a permit under this chapter. A person that is required by the department to apply for permit coverage shall immediately cease beneficial use activities until all necessary solid waste handling permits are issued.

(h) The terms and conditions of subsection (2)(a)(viii) of this section shall remain in effect until the solid waste handling permit process has been completed.

(i) Any person that violates the terms and conditions of a beneficial use permit exemption issued under this section may be subject to the civil penalty provisions of RCW 70.95.315.

(j) Appeals of the department's decision to issue or deny or revoke a beneficial use permit exemption shall be made to the pollution control hearings board by filing with the hearings board a notice of appeal within thirty days of the decision of the department. The board's review of the decision shall be made in accordance with chapter 43.21B RCW, Environmental hearing office - Pollution control hearings board, and any subsequent appeal of a decision of the board shall be made in accordance with RCW 43.21B.180. Persons that may appeal are:

(i) For waste derived soil amendments any aggrieved party may appeal.

(ii) For all other beneficial uses of solid waste any jurisdictional health department or the applicant may appeal.

(6) *Beneficial use permit exemption - Solid waste exempt from permitting by rule.* Reserved.

Note: RCW 70.95.300 contains provisions that allow the department to exempt from permitting certain beneficial uses of solid waste by rule. The statute also requires the department to develop an application and approval process by which a person could apply for a beneficial use permit exemption. At this time the department has chosen to limit rule making to development of the required application and approval process, and hold a section in reserve for future development of a list of approved beneficial uses.

173-350-210 Recycling.

(1) *Recycling - Applicability.* These standards apply to recycling solid waste. These standards do not apply to:

- (a) Storage, treatment or recycling of solid waste in piles which are subject to WAC 173-350-320;
- (b) Storage or recycling of solid waste in surface impoundments which are subject to WAC 173-350-330;
- (c) Composting facilities subject to WAC 173-350-220;
- (d) Solid waste that is beneficially used on the land that is subject to WAC 173-350-230;
- (e) Storage of waste tires prior to recycling which is subject to WAC 173-350-350;
- (f) Storage of moderate risk waste prior to recycling which is subject to WAC 173-350-360;
- (g) Energy recovery or incineration of solid waste which is subject to WAC 173-350-240;
- (h) Intermediate solid waste handling facilities subject to WAC 173-350-310.

(2) *Recycling - Permit exemption and notification.*

(a) In accordance with RCW 70.95.305, recycling of solid waste is subject solely to the requirements of (b) of this subsection and is exempt from solid waste handling permitting. Any person engaged in recycling that does not comply with the terms and conditions of (b) of this subsection is required to obtain a permit from the jurisdictional health department in accordance with the requirements of WAC 173-350-490. In addition, violations of the terms and conditions of (b) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(b) Recycling shall be conducted in conformance with the following terms and conditions in order to maintain permit exempt status:

- (i) Meet the performance standards of WAC 173-350-040;
- (ii) Accept only source separated solid waste for the purpose of recycling;

(iii) Allow inspections by the department or jurisdictional health department at reasonable times;

(iv) Notify the department and jurisdictional health department, thirty days prior to operation, or ninety days from the effective date of the rule for existing recycling operations, of the intent to conduct recycling in accordance with this section. Notification shall be in writing, and shall include:

(A) Contact information for the person conducting the recycling activity;

(B) A general description of the recycling activity;

(C) A description of the types of solid waste being recycled; and

(D) An explanation of the recycling processes and methods;

(v) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail recycling activities during the previous calendar year and shall include the following information:

(A) Name and address of the recycling operation;

(B) Calendar year covered by the report;

(C) Annual quantities and types of waste received, recycled and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and

(D) Any additional information required by written notification of the department.

173-350-220 Composting facilities.

(1) Composting facilities - Applicability.

(a) This section is applicable to all facilities or sites that treat solid waste by composting. This section is not applicable to:

(i) Composting used as a treatment for dangerous wastes regulated under chapter 173-303 WAC, Dangerous waste regulation;

(ii) Composting used as a treatment for petroleum contaminated soils regulated under WAC 173-350-320;

(iii) Treatment of liquid sewage sludge or biosolids in digesters at wastewater treatment facilities regulated under chapter 90.48 RCW, Water pollution control and chapter 70.95J RCW, Municipal sewage sludge - Biosolids;

(iv) Treatment of other liquid solid wastes in digesters regulated under WAC 173-350-330; and

(v) Composting biosolids when permitted under chapter 173-308 WAC, Biosolids management.

(b) In accordance with RCW 70.95.305, the operation of the following activities in this subsection are subject solely to the requirements of (c) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (c) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (c) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(i) Production of substrate used solely on-site to grow mushrooms;

(ii) Vermicomposting, when used to process Type 1, Type 2, or Type 3 feedstocks generated on-site;

(iii) Composting of Type 1 or Type 2 feedstocks with a volume limit of forty cubic yards of material on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost;

(iv) Composting of food waste generated on-site and composted in containers designed to prohibit vector attraction and prevent nuisance odor generation. Total volume of the containers shall be limited to ten cubic yards or less;

(v) Agricultural composting when all the agricultural wastes are generated on-site and all finished compost is used on-site;

(vi) Agricultural composting when any agricultural wastes are generated off-site, and all finished compost is used on-site, and total volume of material is limited to one thousand cubic yards on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost; and

(vii) Agricultural composting at registered dairies when the composting is a component of a fully certified dairy nutrient management plan as required by chapter 90.64 RCW, Dairy Nutrient Management Act.

(viii) Composting of Type 1 or Type 2 feedstocks when more than forty cubic yards and less than two hundred fifty cubic yards of material is on-site at any one time.

(ix) Agricultural composting, when any of the finished compost is distributed off-site and when it meets the following requirements:

(A) More than forty cubic yards, but less than one thousand cubic yards of agricultural waste is on-site at any time; and

(B) Agricultural composting is managed according to a farm management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable conservation practice standards in the *Washington Field Office Technical Guide* produced by the Natural Resources Conservation Service.

(x) Vermicomposting when used to process Type 1 or Type 2 feedstocks generated off-site. Total volume of materials is limited to one thousand cubic yards on-site at any one time.

(c) Composting operations identified in subsection (b) shall be managed according to the following terms and conditions to maintain their exempt status:

(i) Comply with the performance standards of WAC 173-350-040;

(ii) Protect surface water and ground water through the use of best management practices and all known available and reasonable methods of prevention, control, and treatment as appropriate. This includes, but is not limited to, setbacks from wells, surface waters, property lines, roads, public access areas, and site-specific setbacks when appropriate;

(iii) Control nuisance odors to prevent migration beyond property boundaries;

(iv) Manage the operation to prevent attraction of flies, rodents, and other vectors;

(v) Conduct an annual analysis, prepared in accordance with the requirements of subsection (4)(a)(viii) of this section, for composted material that is distributed off-site from categorically exempt facilities described in subsection (1)(b)(vii) through (ix) of this section.

(vi) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st for categorically exempt facilities described in subsection (1)(b)(vii) through (ix) of this section. Annual reports are not required for facilities operating under the permit exemption provided in (b)(vii) of this subsection if the composted material is not distributed off-site. The annual report shall be on forms supplied by the department and shall detail facility activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantity and type of feedstocks received and compost produced, in tons;

(D) Annual quantity of composted material sold or distributed, in tons;

(E) Results of the annual analysis of composted material required by subsection (1)(c)(v) of this section; and

(F) Any additional information required by written notification of the department.

(vii) Allow the department or the jurisdictional health department to inspect the site at reasonable times;

(viii) For activities under (b)(viii) through (x) of this subsection, and registered dairies where compost is distributed off-site, the department and jurisdictional health department shall be notified in writing thirty days prior to beginning any composting activity. Notification shall include name of owner or operator, location of composting operation and identification of feedstocks.

(2) *Composting facilities - Location standards.* There are no specific location standards for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(3) *Composting facilities - Design standards.* The owner or operator of a composting facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. Scale drawings of the facility including the location and size of feedstock and finished product storage areas, compost processing areas, fixed equipment, buildings, leachate collection devices, access roads and other appurtenant facilities; and design specifications for compost pads, storm water run-on prevention system, and leachate collection and conveyance systems shall be provided. All composting facilities shall be designed and constructed to meet the following requirements:

(a) When necessary to provide public access, all-weather roads shall be provided from the public highway or roads to and within the compost facility and shall be designed and maintained to prevent traffic congestion, traffic hazards, dust and noise pollution;

(b) Composting facilities shall separate storm water from leachate by designing storm water run-on prevention systems, which may include covered areas (roofs), diversion swales, ditches or other designs to divert storm water from areas of feedstock preparation, active composting and curing;

(c) Composting facilities shall collect any leachate generated from areas of feedstock preparation, active composting and curing. The leachate shall be conveyed to a leachate holding pond, tank or other containment structure.

The leachate holding structure shall be of adequate capacity to collect the amount of leachate generated, and the volume calculations shall be based on the facility design, monthly water balance, and precipitation data. Leachate holding ponds and tanks shall be designed according to the following:

(i) For leachate ponds at registered dairies, the design and installation shall meet Natural Resources Conservation Service standards for a waste storage facility in the *Washington Field Office Technical Guide*.

(ii) For leachate ponds at composting facilities other than registered dairies, the pond shall be designed to meet the following requirements:

(A) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. High density polyethylene geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding. The jurisdictional health department may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(B) Have dikes and slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation;

(C) Have freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation. The jurisdictional health department may reduce the freeboard requirement provided that other engineering controls are in place which prevent overtopping. These engineering controls shall be specified during the permitting process;

(D) Leachate ponds that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

(iii) Tanks used to store leachate shall meet design standards in WAC 173-350-330 (3)(b).

(d) Composting facilities shall be designed with process parameters and management procedures that promote an aerobic composting process. This requirement is not intended to mandate forced aeration or any other specific composting technology. This requirement is meant to ensure

that compost facility designers take into account porosity, nutrient balance, pile oxygen, pile moisture, pile temperature, and retention time of composting when designing a facility.

(e) Incoming feedstocks, active composting, and curing materials shall be placed on compost pads that meet the following requirements:

(i) All compost pads shall be curbed or graded in a manner to prevent ponding, run-on and runoff, and direct all leachate to collection devices. Design calculations shall be based upon the volume of water resulting from a twenty-five-year storm event as defined in WAC 173-350-100;

(ii) All compost pads shall be constructed over soils that are competent to support the weight of the pad and the proposed composting materials;

(iii) The entire surface area of the compost pad shall maintain its integrity under any machinery used for composting activities at the facility; and

(iv) The compost pad shall be constructed of materials such as concrete (with sealed joints), asphaltic concrete, or soil cement to prevent subsurface soil and ground water contamination;

(v) The jurisdictional health department may approve other materials for compost pad construction if the permit applicant is able to demonstrate that the compost pad will meet the requirements of this subsection.

(4) *Composting facilities - Operating standards* . The owner or operator of a composting facility shall:

(a) Operate the facility to:

(i) Control dust, nuisance odors, and other contaminants to prevent migration of air contaminants beyond property boundaries;

(ii) Prevent the attraction of vectors;

(iii) Ensure that only feedstocks identified in the approved plan of operation are accepted at the facility;

(iv) Ensure the facility operates under the supervision and control of a properly trained individual during all hours of operation, and access to the facility is restricted when the facility is closed;

(v) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation;

(vi) Implement and document pathogen reduction activities when Type 2, 3 or 4 feedstocks are composted. Documentation shall include compost pile temperature and notation of turning as appropriate, based on the composting

method used. Pathogen reduction activities shall at a minimum include the following:

(A) In vessel composting - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three days; or

(B) Aerated static pile - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three days; or

(C) Windrow composting - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for fifteen days or longer. During the period when the compost is maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher, there shall be a minimum of five turnings of the windrow; or

(D) An alternative method that can be demonstrated by the owner or operator to achieve an equivalent reduction of human pathogens;

(vii) Monitor the composting process according to the plan of operation submitted during the permitting process. Monitoring shall include inspection of incoming loads of feedstocks and pathogen reduction requirements of (a)(vi) of this subsection; and

(viii) Analyze composted material for:

(A) Metals in Table A at the minimum frequency listed in Table C. Compost facilities composting only Type 1 and Type 2 feedstocks are not required to test for molybdenum and selenium. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;

(B) Parameters in Table B at the minimum frequency listed in Table C. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;

(C) Nitrogen content at the minimum frequency listed in Table C; and

(D) Biological stability as outlined in United States Composting Council Test Methods for the Examination of Composting and Compost at the minimum frequency listed in Table C;

(E) The jurisdictional health department may require testing of additional metal or contaminants, and/or modify the frequency of testing based on historical data for a particular facility, to appropriately evaluate the composted material.

[Tables Follow on Next Page]

TABLE A - METALS	
Metal	Limit (mg/kg dry weight)
Arsenic	< = 20 ppm
Cadmium	< = 10 ppm
Copper	< = 750 ppm
Lead	< = 150 ppm
Mercury	< = 8 ppm
Molybdenum ¹	< = 9 ppm
Nickel	< = 210 ppm
Selenium ¹	< = 18 ppm
Zinc	< = 1400 ppm

¹ Not required for composted material made from Type 1, Type 2 or a mixture of Type 1 and Type 2 feedstocks.

TABLE B - OTHER TESTING PARAMETERS	
Parameter	Limit
Manufactured Inerts	< 1 percent
Sharps	0
pH	5 - 10 (range)
Fecal Coliform	< 1,000 Most Probable Number per 4 grams of total solids (dry weight).
Salmonella	< 3 Most Probable Number per 4 grams of total solids (dry weight).

TABLE C - FREQUENCY OF TESTING BASED ON FEEDSTOCKS RECEIVED		
Feedstock Type	< 5,000 cubic yards	= or > 5,000 cubic yards
Type 1 or Type 2	Once per year	Every 10,000 cubic yards or every six months whichever is more frequent
Type 3	Once per quarter (four times per year)	Every 5,000 cubic yards or every other month whichever is more frequent.
Type 4	Every 1,000 cubic yards	Every 1,000 cubic yards or once per month whichever is more frequent

(b) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges, which may cause or lead to the release of waste to the environment or a threat to human health. Inspections shall be conducted at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. For compost facilities with leachate holding ponds, conduct regular liner inspections at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The frequency of inspections shall be specified in the operations plan and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The jurisdictional health department shall be given sufficient notice and have the opportunity to be present during liner inspections. An inspection log or summary shall be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least five years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

(c) Maintain daily operating records of the following:

- (i) Temperatures and compost pile turnings for Type 2, Type 3 and Type 4 feedstocks;
- (ii) Additional process monitoring data as prescribed in the plan of operation; and
- (iii) Results of laboratory analyses for composted materials as required in (a)(viii) of this subsection. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of feedstocks received and compost produced, in tons;
- (iv) Annual quantity of composted material sold or distributed, in tons;
- (v) Annual summary of laboratory analyses of composted material; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan of operation shall convey to site personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

(i) List of feedstocks to be composted, including a general description of the source of feedstocks;

(ii) A description of how wastes are to be handled on-site during the facility's active life including:

(A) Acceptance criteria that will be applied to the feedstocks;

(B) Procedures for ensuring that only the waste described will be accepted;

(C) Procedures for handling unacceptable wastes;

(D) Mass balance calculations for feedstocks and amendments to determine an acceptable mix of materials for efficient decomposition;

(E) Material flow plan describing general procedures to manage all materials on-site from incoming feedstock to finished product;

(F) A description of equipment, including equipment to add water to compost as necessary;

(G) Process monitoring plan, including temperature, moisture, and porosity;

(H) Pathogen reduction plan for facilities that accept Type 2, Type 3, and Type 4 feedstocks;

(I) Sampling and analysis plan for the final product;

(J) Nuisance odor management plan (air quality control plan);

(K) Leachate management plan, including monthly water balance; and

(L) Storm water management plan;

(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspections and inspection logs;

(iv) A neighbor relations plan describing how the owner or operator will manage complaints;

(v) Safety, fire and emergency plans;

(vi) Forms for recordkeeping of daily weights or volumes of incoming feedstocks by type and finished compost product, and process monitoring results; and

(xvii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Composting facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(6) *Composting facilities - Closure requirements.* The owner or operator of a composting facility shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. At closure, all solid waste, including but not limited to, raw or partially composted feedstocks, and leachate from the facility shall be removed to another facility that conforms with the applicable regulations for handling the waste.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include methods of removing solid waste materials from the facility.

(7) *Composting facilities - Financial assurance requirements.* There are no specific financial assurance requirements for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(8) *Composting facilities - Permit application contents.* The owner or operator of a composting facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(b) A plan of operation meeting the requirements of subsection (4) of this section; and

(c) A closure plan meeting the requirements of subsection (6) of this section.

(9) *Composting facilities - Construction records.* The owner or operator of a composting facility shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and

the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(10) *Composting facilities - Designation of composted materials.* Composted materials meeting the limits for metals in Table A and the parameters of Table B of this section, and having a stability rating of very stable, stable, or moderately unstable as determined by the analysis required in subsection (4)(a)(viii)(D) of this section, shall no longer be considered a solid waste and shall no longer be subject to this chapter. Composted materials that do not meet these limits are still considered solid waste and are subject to management under chapter 70.95 RCW, Solid waste management - Reduction and recycling.

173-350-230 Land application.

(1) *Land application - Applicability.* This section applies to solid waste that is beneficially used on the land for its agronomic value, or soil-amending capability, including land reclamation. This section does not apply to:

(a) The application of commercial fertilizers registered with the Washington state department of agriculture as provided in RCW 15.54.325, and which are applied in accordance with the standards established in RCW 15.54.800(3);

(b) Biosolids regulated under chapter 173-308 WAC, Biosolids management;

(c) Composted materials no longer considered solid waste under WAC 173-350-220(10);

(d) Dangerous waste regulated under chapter 173-303 WAC Dangerous waste regulations;

(e) Waste derived soil amendments exempted from permitting under WAC 173-350-200; and

(f) Solid waste used to improve the engineering characteristics of soil.

(2) *Land application - Location standards.* There are no specific location standards for land application of solid waste subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(3) *Land application - Design standards.* There are no specific design standards for land application of solid waste subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(4) *Land application - Operating standards.* The owner or operator of a land application site shall operate the site in compliance with the performance standards of WAC 173-350-040. The jurisdictional health department shall determine the need for environmental monitoring to ensure compliance with the performance standards. In addition the owner or operator shall:

(a) Operate the site to ensure that:

(i) For waste stored in piles on the site:

(A) Contamination of ground water, surface water, air and land during storage and in case of fire or flood is prevented;

(B) The potential for combustion within the pile and the potential for combustion from other sources is minimized;

(C) The duration of on-site waste storage is limited to one year, or less if the jurisdictional health department believes it is necessary to prevent the contamination of ground water, surface water, air and land; and

(D) The amount of material on site does not exceed the amount that could potentially be applied to the site during a one-year period in accordance with the plan of operations;

(ii) For storage of liquid waste or semisolid waste in surface impoundments or tanks, the requirements of WAC 173-350-330 are met;

(iii) Land application occurs at a predictable application rate determined as follows:

(A) For agricultural applications, solid waste shall be applied to the land at a rate that does not exceed the agronomic rate. The agronomic rate should be based on Washington State University cooperative extension service fertilizer guidelines or other appropriate guidance accepted by the jurisdictional health department;

(B) For the purposes of land reclamation or other soil amending activities, the application rate may be designed to achieve a soil organic matter content or other soil physical characteristic and promote long-term soil productivity, with consideration of the carbon-to-nitrogen ratio to control nutrient leaching; and

(C) For liquid wastes, the application rate shall also be based on soil permeability and infiltration rate.

(b) Maintain daily operating records of the amount and type of waste applied to the land, the crop and any additional nutrient inputs. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall

be available upon request by the jurisdictional health department;

(c) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the activities during the previous calendar year and shall include the following information:

- (i) Site address or legal description;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of waste received from each source;
- (iv) For each crop grown: The acreage used, the amount, type and source of each waste applied, the crop, and any additional nutrient inputs to the land, such as manure, biosolids, or commercial fertilizer;
- (v) Quantity and type of any waste remaining in storage as of December 31st of the reporting year;
- (vi) Any additional waste characterization information required to be obtained as a condition of the permit, and a summary report of that data;
- (vii) Any environmental monitoring data required to be obtained as a condition of the permit, and a summary report of that data; and
- (viii) Any additional information required by the jurisdictional health department as a condition of the permit;

(d) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid wastes to be handled at the site;
- (ii) A description of how wastes are to be handled on-site during the life of the site including:
 - (A) How wastes will be delivered to the site and meet any local agency notification requirements;.
 - (B) A description of the process, system and equipment that will be used to apply the waste to the land that explains:
 - (I) How the equipment and system will be calibrated to deliver waste at the agronomic rate;
 - (II) Whether the waste will be allowed to remain on the surface of the land, will be tilled into the soil, or will be injected into the soil at the time of application;

(III) When the waste will be applied to the land relative to crop and livestock management practices; and

(IV) Any proposed restrictions on application related to climatic factors including typical precipitation, twenty-five-year storm events as defined in WAC 173-350-100, temperature, and wind, or site conditions including frozen soils and seasonal high ground water;

(C) A description of how the waste will be managed at all points during storage and application to control attraction to disease vectors and to mitigate nuisance odor impacts;

(iii) A spill response plan including the names and phone numbers of all contacts to be notified in the event of a spill and how the spill will be cleaned up;

(iv) If the seasonal high ground water is three feet or less below the surface, a management plan describing how ground water will be protected;

(v) A waste monitoring plan providing analytical results representative of the waste being applied to the land, over time, taking into account the rate of production of the waste, timing of delivery, and storage;

(vi) The forms used to record volumes, weights and waste application data;

(vii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Land application - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for land application sites subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(6) *Land application - Closure requirements.* The owner or operator of all land application sites shall notify the jurisdictional health department sixty days in advance of closure. All land application sites shall be closed by applying all materials in storage in accordance with the permit, or by removing those materials to a facility that conforms to the applicable regulations for handling the waste.

(7) *Land application - Financial assurance requirements.* There are no specific financial assurance requirements for land application sites subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(8) *Land application - Permit application contents.*

(a) The owner or operator of land application sites subject to this section shall obtain a solid waste permit

from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(i) Contact information, including name, contact person, mailing address, phone, fax, e-mail for:

(A) Any person who generates waste that will be applied to the site;

(B) The person who is applying for a permit (the permit holder);

(C) The person who prepares the permit application; and

(D) The person who owns the site where the waste will be applied.

(ii) Statement of intended use. The permit application shall contain a clear explanation of the benefit to be obtained from land application of the material. Avoidance of disposal is not adequate justification for land application of solid waste.

(iii) An analysis of the waste which includes:

(A) A description of the material to be applied to the land;

(B) A description of the processes by which the material is generated and treated including all processed feedstocks;

(C) Any pseudonyms or trade names for the material;

(D) A discussion of the potential for the material to generate nuisance odors or to attract disease vectors, including any complaints regarding nuisance odors associated with this material;

(E) An analysis of pollutant concentrations of the following reported on a dry weight basis:

(I) Total arsenic;

(II) Total barium;

(III) Total cadmium;

(IV) Total chromium;

(V) Total copper;

(VI) Total lead;

(VII) Total mercury;

(VIII) Total molybdenum;

(IX) Total nickel;

(X) Total selenium;

(XI) Total zinc.

(F) An analysis of nutrients at a minimum to include total Kjeldahl nitrogen, total nitrate-nitrogen, total ammonia and ammonium-nitrogen, total phosphorus, and extractable potassium, reported on a dry weight basis;

(G) An analysis of physical/chemical parameters to include at a minimum: Total solids, total volatile solids, pH, electrical conductivity, total organic carbon;

(H) A discussion of any pathogens known or suspected to be associated with this material, including those which can cause disease in plants, animals, or humans;

(I) The concentration of fecal coliform bacteria expressed as CFU or MPN per gram of dry solid material; and

(J) Any additional analysis required by the jurisdictional health department. The jurisdictional health department may reduce the analytical requirements of this section. Methods of analysis are to be determined by the jurisdictional health department.

(iv) A comprehensive site characterization including:

(A) A description of current practices and a brief description of past practices on the application site, including application of wastes, soil amendments, manures, biosolids, liming agents, and other fertilization practices, livestock usage, irrigation practices, and crop history. Also indicate whether any management plan has been prepared for the site such as a farm, forest, or nutrient management plan. Discuss any potential changes to management practices at the site;

(B) A description of the climate at the application site including typical precipitation, precipitation of a twenty-five-year storm, as defined in WAC 173-350-100, temperatures, and seasonal variations;

(C) A brief discussion of the potential for runoff and runoff, and typical depths to seasonal high ground water;

(D) An analysis of soil nutrients including residual nitrate in the upper two feet of soil in one foot increments;

(E) A site map showing property boundaries and ownership of adjacent properties with the application areas clearly shown, and with the latitude and longitude of the approximate center of each land application site;

(F) A topographic relief map of the site extending one quarter beyond the site boundaries at a scale of 1:24,000 or other scale if specified by the jurisdictional health department;

(G) Show the following information on either of the maps provided or on additional maps if needed:

(I) Location of the site by street address, if applicable;

(II) The zoning classification of the site;

(III) The means of access to the site;

- (IV) The size of the site in acres, and if applicable, the size of individual fields, units, and application areas;
- (V) The location and size of any areas which will be used to store the waste;
- (VI) Adjacent properties, uses, and their zoning classifications;
- (VII) Delineation of wetlands on the site;
- (VIII) Any portion of the site that falls within a wellhead protection area;
- (IX) Any seasonal surface water bodies located on the site or perennial surface water bodies within one-quarter mile of the site;
- (X) The location of all wells within one-quarter mile of the boundary of the application area which are listed in public records or otherwise known, whether for domestic, irrigation, or other purposes;
- (XI) Any setback or buffer to surface water, property boundaries, or other feature, if proposed;
- (XII) The location of any critical areas or habitat identified under the Endangered Species Act, local growth management plans, habitat conservation plans, conservation reserve program, or local shoreline master program;
- (XIII) A copy of the Natural Resources Conservation Service soil survey map from the most recent edition of the soil survey that includes the distribution of soil types with an overlay of the site boundaries; and
- (XIV) A description of the soil type(s), textural classes, and soil depths present on the site as determined by the most recent edition of the Natural Resources Conservation Service soil survey or from actual field measurements.

(v) A plan of operation meeting the requirements of subsection (4) of this section.

(b) Two or more areas of land under the same ownership or operational control which are not contiguous may be considered as one site for the purposes of permitting, if in the opinion of the jurisdictional health department the areas are sufficiently proximate and management practices are sufficiently similar that viewing them as one proposal would expedite the permit process without compromising the public interest. A jurisdictional health department may also require separate permits for a contiguous area of land if it finds that the character of a proposed site or management practices across the site are sufficiently different that the permit process and public interest would be best served by a more focused approach.

173-350-240 Energy recovery and incineration facilities.

(1) *Energy recovery and incineration facilities - Applicability.*

(a) These standards apply to all facilities designed to burn more than twelve tons of solid waste or refuse-derived fuel per day.

(b) These standards do not apply to facilities that burn gases recovered at a landfill or solid waste digesters.

(c) In accordance with RCW 70.95.305, the combustion of wood waste, wood derived fuel, and wastewater treatment sludge generated from the manufacturing of wood pulp or paper, for the purpose of energy recovery is subject solely to the requirements of (d)(i) through (iv) of this subsection and is exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (d)(i) through (iv) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (d)(i) through (iv) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(d) Owners and operators of all categorically exempt energy recovery facilities shall:

(i) Comply with the performance standards of WAC 173-350-040;

(ii) Ensure that only fuels approved in writing by the agency with jurisdiction over the facility for air quality regulation are combusted;

(iii) Allow department and jurisdictional health department representatives to inspect the facility at reasonable times for the purpose of determining compliance with this chapter; and

(iv) Ensure that wastewater treatment sludge generated from the manufacturing of wood pulp or paper is combusted only in energy recovery units at the facility from which it originates.

(2) *Energy recovery and incineration facilities - Location standards.* There are no specific location standards for energy recovery or incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(3) *Energy recovery and incineration facilities - Design standards.* There are no specific design standards for energy recovery or incineration facilities subject to this

chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(4) *Energy recovery and incineration facilities - Operating standards* . The owner or operator of an energy recovery or incineration facility shall:

(a) Operate the facility to:

(i) Confine solid wastes prior to and after processing to specifically designed piles, surface impoundments, tanks or containers meeting the applicable standards of this chapter. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as required to maintain the plant in a sanitary and clean condition;

(ii) Handle solid wastes, including combustion residues, in a manner that complies with this chapter;

(iii) Provide recyclable material collection at all facilities that accept municipal solid waste from the general public, self-haul residential, or commercial waste generators; and

(iv) Ensure that dangerous waste is not disposed, treated, stored or otherwise handled, unless the requirements of chapter 173-303 WAC, Dangerous waste regulations, are met.

(b) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. The owner or operator shall conduct these inspections as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process.

(c) Maintain daily operating records on the weights and types of wastes received, and number of vehicles delivering waste to the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall also be noted on the operating record. Records shall be maintained for a minimum of five years and shall be available upon request by the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

- (iii) Annual quantity of each type of solid waste received and incinerated, in tons if available;
- (iv) Annual quantity, type and destination of solid waste bypassed, in tons;
- (v) Annual quantity of ash disposed and disposal location, in tons; and
- (vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid wastes to be handled at the facility;
- (ii) How solid wastes are to be handled on-site during the facility's active life, including alternative storage, and/or disposal plans for all situations that would result in overfilling of the storage facility;
- (iii) A description of how equipment, structures and other systems, including leachate collection and gas collection equipment, are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety, fire and emergency plans including:
 - (A) Actions to take if there is a fire or explosion;
 - (B) Actions to take if leaks are detected;
 - (C) Remedial action programs to be implemented in case of a release of hazardous substances to the environment;
 - (D) Actions to take for other releases (e.g., failure of runoff containment system);
- (v) Forms used to record volumes or weights;
- (vi) Other such details to demonstrate that the facility will be operated in accordance with this chapter and as required by the jurisdictional health department.

(5) *Energy recovery and incineration facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for energy recovery and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(6) *Energy recovery and incineration facilities - Closure requirements.* The owner or operator of an energy recovery or incineration facility shall:

(a) Notify the jurisdictional health department one hundred eighty days in advance of closure. At the time of closure all solid waste shall be removed to a facility that conforms with the applicable regulations for handling the waste.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.

(7) *Energy recovery and incineration facilities - Environmental impact statement required.* In accordance with RCW 70.95.700, no solid waste energy recovery or incineration facility shall be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030 (2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW, State Environmental Policy Act.

(8) *Energy recovery and incineration facilities - Financial assurance requirements.* There are no specific financial assurance requirements for energy recovery facilities and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(9) *Energy recovery and incineration facilities - Permit application contents.* The owner or operator of an energy recovery or incineration facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application shall contain:

(a) Preliminary engineering reports/plans and specifications that address:

(i) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(ii) The design of the incinerator or thermal treater, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(b) A plan of operation that addresses the requirements of subsection (4) of this section; and

(c) A closure plan meeting the requirements of subsection (6) of this section.

173-350-300 On-site storage, collection and transportation standards.

(1) *On-site storage, collection and transportation standards - Applicability.* This section is applicable to the temporary storage of solid waste in a container at a premises, business establishment, or industry and the collecting and transporting of the solid waste.

(2) *On-site storage.*

(a) The owner or occupant of any premises, business establishment, or industry shall be responsible for the safe and sanitary storage of all containerized solid wastes accumulated at those premises.

(b) The owner, operator, or occupant of any premises, business establishment, or industry shall store solid wastes in containers that meet the following requirements:

(i) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;

(ii) Reusable containers, except for detachable containers, shall be:

- (A) Rigid and durable;
- (B) Corrosion resistant;
- (C) Nonabsorbent and water tight;
- (D) Rodent-proof and easily cleanable;
- (E) Equipped with a close-fitting cover;
- (F) Suitable for handling with no sharp edges or other hazardous conditions; and

(G) Equal to or less than thirty-two gallons in volume where manual handling is practiced;

(iii) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and have either a solid cover or screen cover to prevent littering.

(3) *Collection and transportation standards.*

(a) All persons collecting or transporting solid waste shall avoid littering at the loading point, during transport and during proper unloading of the solid waste.

(b) Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisance odors and insect breeding and shall be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the containers will not fail, and the contents will not spill or leak. Where such spillage or leakage does occur the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

(d) All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles at least monthly. Inspection records shall be maintained at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the jurisdictional health department.

173-350-310 Intermediate solid waste handling facilities.

(1) *Intermediate solid waste handling facilities - Applicability.* This section is applicable to any facility engaged in solid waste handling that provides intermediate storage and/or processing prior to transport for final disposal. This includes, but is not limited to, material recovery facilities, transfer stations, baling and compaction sites, and drop box facilities. This section is not applicable to:

(a) Storage, treatment or recycling of solid waste in piles which are subject to WAC 173-350-320;

(b) Storage or recycling of solid waste in surface impoundments which are subject to WAC 173-350-330;

(c) Composting facilities subject to WAC 173-350-220;

(d) Recycling which is subject to WAC 173-350-210;

(e) Storage of waste tires which is subject to WAC 173-350-350;

(f) Storage of moderate risk waste prior to recycling which is subject to WAC 173-350-360;

(g) Energy recovery or incineration of solid waste which is subject to WAC 173-350-240; and

(h) Drop boxes placed at the point of waste generation which is subject to WAC 173-350-300.

(2) *Materials recovery facilities - Permit exemption and notification.*

(a) In accordance with RCW 70.95.305, material recovery facilities managed in accordance with the terms and conditions of (b) of this subsection are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (b) of this subsection is required to obtain a permit from the juris-

dictional health department as an intermediate solid waste handling facility and shall comply with the requirements of WAC 173-350-310. In addition, violations of the terms and conditions of (b) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(b) Material recovery facilities shall be managed according to the following terms and conditions to maintain their exempt status:

(i) Meet the performance standards of WAC 173-350-040;

(ii) Accept only source separated recyclable materials and dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load;

(iii) Allow inspections by the department or jurisdictional health department at reasonable times;

(iv) Notify the department and jurisdictional health department, thirty days prior to operation, or ninety days from the effective date of the rule for existing facilities, of the intent to operate a material recovery facility in accordance with this section. Notification shall be in writing, and shall include:

(A) Contact information for facility owner or operator;

(B) A general description of the facility; and

(C) A description of the types of recyclable materials managed at the facility;

(v) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail facility activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantities and types of waste received, recycled and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and

(D) Any additional information required by written notification of the department.

(3) *Intermediate solid waste handling facilities - Location standards.* There are no specific location standards for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(4) *Intermediate solid waste handling facilities - Design standards.* The owner or operator of all intermediate

solid waste handling facilities shall prepare engineering reports/plans and specifications to address the following design standards:

- (a) Material recovery facilities, transfer stations, baling and compaction sites shall:
 - (i) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;
 - (ii) Be sturdy and constructed of easily cleanable materials;
 - (iii) Provide effective means to control rodents, insects, birds and other vectors;
 - (iv) Provide effective means to control litter;
 - (v) Provide protection of the tipping floor from wind, rain or snow;
 - (vi) Provide pollution control measures to protect surface and ground waters, including runoff collection and discharge designed to handle a twenty-five-year storm as defined in WAC 173-350-100, and equipment cleaning and washdown water;
 - (vii) Provide pollution control measures to protect air quality; and
 - (viii) Provide all-weather surfaces for vehicular traffic.

(b) Drop boxes shall be constructed of durable watertight materials with a lid or screen on top that prevents the loss of materials during transport and access by rats and other vectors, and control litter.

(5) *Intermediate solid waste handling facilities - Operating standards.* The owner or operator of an intermediate solid waste handling facility shall:

- (a) Operate the facility to:
 - (i) For material recovery facilities transfer stations, baling and compaction sites:
 - (A) Be protective of human health and the environment;
 - (B) Prohibit the disposal of dangerous waste and other unacceptable waste;
 - (C) Control rodents, insects, and other vectors;
 - (D) Control litter;
 - (E) Prohibit scavenging;
 - (F) Prohibit open burning;
 - (G) Control dust;
 - (H) For putrescible waste, control nuisance odors;
 - (I) Provide attendant(s) on-site during hours of operation;
 - (J) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what

materials the facility does not accept and other necessary information posted at the site entrance; and

(K) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.

(ii) For drop box facilities:

(A) Be serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of waste outside the drop boxes is prohibited;

(B) Be protective of human health and the environment;

(C) Control rodents, insects, and other vectors;

(D) Control litter;

(E) Prohibit scavenging;

(F) Control dust;

(G) For putrescible waste, control nuisance odors; and

(H) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept and other necessary information posted at the site entrance;

(b) Inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health. Inspection shall be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records on the weights and types of wastes received or removed from the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of each type of solid waste handled by the facility, in tons;

(iv) Destination of waste transported from the facility for processing or disposal; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid wastes to be handled at the facility;

(ii) A description of how solid wastes are to be handled on-site during the facility's life, including maximum facility capacity, methods of adding or removing waste from the facility and equipment used;

(iii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iv) Safety and emergency plans;

(v) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;

(vi) For putrescible wastes, an odor management plan describing the actions to be taken to control nuisance odors;

(vii) The forms used to record volumes or weights; and

(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(6) *Intermediate solid waste handling facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(7) *Intermediate solid waste handling facilities - Closure requirements.* The owner or operator of an intermediate solid waste handling facility shall:

(a) Notify the jurisdictional health department one hundred eighty days in advance of closure. All waste shall be removed to a facility that conforms with the applicable regulations for handling the waste.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.

(8) *Intermediate solid waste handling facilities - Financial assurance* . There are no specific financial assurance requirements for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(9) *Intermediate solid waste handling facilities - Permit application contents* . The owner or operator of an intermediate solid waste handling facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) For material recovery facilities, transfer stations, baling and compaction sites:

(i) Engineering reports/plans and specifications that address the design standards of subsection (4)(a) of this section;

(ii) A plan of operation meeting the applicable requirements of subsection (5) of this section;

(iii) A closure plan meeting the requirements of subsection (7) of this section;

(b) For drop boxes:

(i) Engineering reports/plans and specifications that address the design standards of subsection (4)(b) of this section;

(ii) A plan of operation meeting the applicable requirements of subsection (5) of this section; and

(iii) A closure plan meeting the requirements of subsection (7) of this section.

173-350-320 Piles used for storage or treatment.

(1) *Piles used for storage or treatment - Applicability.*

(a) This section is applicable to solid waste stored or treated in piles where putrescible waste piles that do not contain municipal solid waste are in place for more than three weeks, nonputrescible waste and contaminated soils and dredged material piles are in place for more than three months and municipal solid waste piles are in place for more than three days. This section is not applicable to:

(i) Waste piles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(ii) Piles of nonputrescible waste stored in enclosed buildings provided that no liquids or liquid waste are added to the pile; and

(iii) Piles of waste tires or used tires subject to WAC 173-350-350.

(b) In accordance with RCW 70.95.305, storage piles of wood waste used for fuel or as a raw material, wood derived fuel, and agricultural wastes on farms, are subject solely to the requirements of (c)(i) through (iii) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (c)(i) through (iii) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (c)(i) through (iii) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(c) Owners and operators of all storage piles that are categorically exempt from solid waste handling permitting in accordance with (b) of this subsection shall:

(i) Ensure that at least fifty percent of the material stored in the pile is used within one year and all material is used within three years;

(ii) Comply with the performance standards of WAC 173-350-040; and

(iii) Allow department and jurisdictional health department representatives to inspect the waste pile at reasonable times for the purpose of determining compliance with this chapter.

(d) In accordance with RCW 70.95.305, the storage of inert waste in piles is subject solely to the requirements of (e)(i) through (vi) of this subsection and are exempt from solid waste handling permitting. The storage of inert waste in piles at a facility with a total volume of two hundred fifty cubic yards or less is subject solely to the requirements of (e)(iv) of this subsection. An owner or operator that does not comply with the terms and conditions of (e)(i) through (vi) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (e)(i) through (vi) may be subject to the penalty provisions of RCW 70.95.315.

(e) Owners and operators of all storage piles that are categorically exempt from solid waste handling permitting in accordance with (d) of this subsection shall:

- (i) Implement and abide by a procedure that is capable of detecting and preventing noninert wastes from being accepted or mixed with inert waste;
- (ii) Ensure that at least fifty percent of the material stored in the pile is used within one year and all the material is used within three years;
- (iii) Control public access and unauthorized vehicular traffic to prevent illegal dumping of wastes;
- (iv) Comply with the performance standards of WAC 173-350-040;
- (v) Allow department and jurisdictional health department representatives to inspect the waste pile at reasonable times for the purpose of determining compliance with this chapter; and
- (vi) Notify the department and jurisdictional health department thirty days prior to commencing operations of the intent to store inert waste in accordance with this section. Notification shall be in writing, and shall include:

- (A) Contact information for the owner or operator;
- (B) A general description and location of the facility; and
- (C) A description of the inert waste handled at the facility.

(2) *Piles used for storage or treatment - Location standards.* There are no specific location standards for piles subject to this chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(3) *Piles used for storage or treatment - Design standards.*

(a) The owner or operator of piles used for storage or treatment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. The maximum waste capacity, elevation and boundaries of the waste pile shall be provided. Piles shall be designed and constructed to:

- (i) Control public access;.
- (ii) Comply with the uniform fire code as implemented through the local fire control agency;
- (iii) Minimize vector harborage to the extent practicable; and
- (iv) Provide all-weather approach roads and exits.

(b) In addition to the requirements of (a) of this subsection, the owner or operator of piles of putrescible waste, contaminated soils or dredged material or waste determined by the jurisdictional health department to be likely to produce leachate posing a threat to human health or the environment shall prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed including an analysis of the surface under the stresses expected during operations, and the design of the surface water management systems including run-on prevention and runoff conveyance, storage, and treatment. The piles shall be designed and constructed to:

(i) Place waste on a sealed surface, such as concrete or asphaltic concrete, to prevent soil and ground water contamination. The surface shall be durable enough to withstand material handling practices. The jurisdictional health department may approve other types of surfaces, such as engineered soil, if the applicant can demonstrate that the proposed surface will prevent soil and ground water contamination; and

(ii) Control run-on and runoff from a twenty-five-year storm, as defined in WAC 173-350-100.

(4) *Piles used for storage or treatment - Operating standards.* The owner or operator of piles used for storage or treatment shall:

(a) Operate the facility to:

(i) Control fugitive dust;

(ii) Control access to the pile;

(iii) Ensure that nonpermitted waste is not accepted at the facility;

(iv) Control vector harborage and implement vector control as necessary;

(v) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard; and

(vi) For piles of putrescible waste and contaminated soils or dredged material, control nuisance odors.

(b) Inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections shall include the engineered surface on which the piles are placed, and the leachate and stormwater control systems. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records on the weights and the types of waste received or removed from the facility. Facility inspection reports shall be maintained in the

operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of solid waste handled by the facility, including amounts received, amounts removed and the amount of waste remaining at the facility at year's end, in tons; and
- (iv) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to the site operating personnel that concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid waste to be handled at the facility;
- (ii) A description of how solid wastes are to be handled on-site during the facility's life including:
 - (A) The maximum amount of waste to be stored or treated in pile(s) at the facility;
 - (B) Methods of adding and removing waste from the pile and equipment used;
- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety and emergency plans;
- (v) Forms to record weights or volumes; and
- (vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(f) Operate the facility in conformance with the following operating standards when storing or treating contaminated soils or dredged material:

(i) Ensure that all soils and dredged material are sufficiently characterized:

(A) Prior to storage or treatment so that contaminants not identified, or at concentrations greater than those provided in the approved plan of operation are not accepted or handled at the facility; and

(B) Prior to removal to an off-site location so that all soils and dredged material that are not clean soils or dredged material are delivered to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management - Reduction and recycling;

(ii) In addition to the daily operating records in (c) of this subsection, a record of the source of contaminated soils and dredged material received at the facility, contaminants and concentrations contained, and any documentation used to characterize soils and dredged material. Records shall be maintained of end uses, including the location of final placement, for any soils or dredged material removed from the facility that contain residual contaminants;

(iii) In addition to the elements in (e) of this subsection, the plan of operation shall include:

(A) A description of contaminants and concentrations in soils and dredged material that will be handled at the facility;

(B) A sampling and analysis plan and other procedures used to characterize soils and dredged material; and

(C) Forms used to record the source of contaminated soils or dredged material, contaminant concentrations and other documentation used to characterize soils and dredged material, and end uses and the location of final placement for any soils or dredged material removed from the facility that contain residual contaminants;

(iv) Treatment of contaminated soils and dredged materials shall be performed using a process that reduces or eliminates contaminants and harmful characteristics. Contaminated soils and dredged materials shall not be diluted to meet treatment goals or as a substitute for disposal, except for incidental dilution of minor contaminants.

(5) *Piles used for storage or treatment - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for piles used for storage and treatment subject to this chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(6) *Piles used for storage or treatment - Closure requirements.* The owner or operator of piles used for storage or treatment shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. All waste shall be removed from the pile at closure to a facility that conforms with the applicable regulations for handling the waste.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. As a minimum, the closure plan shall include the methods of removing waste.

(7) *Piles used for storage or treatment - Financial assurance requirements.* There are no specific financial assurance requirements for piles used for storage or treatment subject to this regulation chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(8) *Piles used for storage or treatment - Permit application contents.* The owner or operator of piles used for storage or treatment shall obtain a permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) The design of fire control features;

(b) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(c) A plan of operation meeting the requirements of subsection (4) of this section; and

(d) A closure plan meeting the requirements of subsection (6) of this section.

(9) *Piles used for storage or treatment - Construction records.* The owner or operator of piles used for storage or treatment shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

173-350-330 Surface impoundments and tanks.*(1) Surface impoundments and tanks - Applicability.*

(a) These standards are applicable to:

(i) Surface impoundments holding solid waste associated with solid waste facilities including, but not limited to, leachate lagoons associated with landfills permitted under this chapter and chapter 173-351 WAC, Criteria for municipal solid waste landfills, and surface impoundments associated with recycling, and piles used for storage or treatment;

(ii) Above or below ground tanks with a capacity greater than one thousand gallons holding solid waste associated with solid waste handling facilities used to store or treat liquid or semisolid wastes or leachate associated with solid waste handling facilities.

(b) These standards are not applicable to:

(i) Surface impoundments or tanks whose facilities are regulated under local, state or federal water pollution control permits;

(ii) Leachate holding ponds at compost facilities regulated under WAC 173-350-220;

(iii) Septic tanks receiving only domestic sewage from facilities at the site;

(iv) Agricultural waste managed according to a farm management plan written in conjunction with the local conservation district;

(v) Underground storage tanks subject to chapter 173-360 WAC, Underground storage tanks; and

(vi) Tanks used to store moderate risk waste subject to WAC 173-350-360.

(2) Surface impoundments and tanks - Location standards. Surface impoundments and tanks shall not be located in unstable areas unless the owner or operator demonstrates that engineering measures have been incorporated in the facility's design to ensure that the integrity of the liners, monitoring system and structural components will not be disrupted. The owner or operator shall place the demonstration in the application for a permit.

(3) Surface impoundments and tanks - Design standards.

(a) The owner or operator of a surface impoundment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. In determining pond capacity, volume calculations shall be based on the facility design, monthly water balance, and precipitation data. All surface impoundments shall be designed and constructed to meet the following requirements:

(i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding.) The jurisdictional health department may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection.

(ii) Have a ground water monitoring system which complies with the requirements of WAC 173-350-500 or a leak detection layer. If a leak detection layer is used, it shall consist of an appropriate drainage layer underlain by a geomembrane of at least 30-mil thickness.

(iii) Have embankments and slopes designed to maintain structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation.

(iv) Have freeboard equal to or greater than eighteen inches to provide protection against wave action, overfilling, or precipitation. During the permitting process the jurisdictional health department may reduce the freeboard requirement provided that other specified engineering controls are in place which prevent overtopping.

(v) When constructed with a single geomembrane liner, the liner shall be tested using an electrical leak location evaluation capable of detecting a hole 3 millimeters in its longest dimension or other equivalent postconstruction test method prior to being placed in service. Results of the test shall be submitted with the construction record drawings.

(vi) Surface impoundments that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the embankment and which would be released by a failure of the containment embankment shall be reviewed and approved by the dam safety section of the department.

(vii) No surface impoundment liner shall be constructed such that the bottom of the lowest component is less than five feet (one and one-half meters) above the seasonal high level of ground water unless the owner or operator can demonstrate during the permitting procedure that the proposed design will not be affected by contact with ground water. All surface impoundment liners shall be constructed such that the bottom of the lowest component is above the seasonal high level of ground water. For the pur-

pose of this section, ground water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant.

(b) The owner or operator of a tank used to store or treat liquid or semisolid wastes meeting the definition of solid waste or leachate, shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

(i) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use.

(ii) Below ground tanks and other tanks where all or portions of the tank are not readily visible shall be designed to resist buoyant forces in areas of high ground water and shall either be:

(A) Retested for tightness at a minimum of once every two years; or

(B) Equipped with a leak detection system capable of detecting a release from the tank;

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination shall be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination shall be included with design information submitted with the permit application;

(iv) Above ground tanks shall be equipped with secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary plus the precipitation from the twenty-five-year storm event as defined in WAC 173-350-100;

(v) Areas used to load or unload tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;

(vi) Tanks and piping shall be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;

(vii) Tanks shall be structurally suited for the proposed use; and

(viii) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.

(4) *Surface impoundments and tanks - Operating standards.* The owner or operator of a surface impoundment or tank shall:

(a) Operate the facility to:

- (i) Prevent overflowing of surface impoundments or tanks and maintain required freeboard;
- (ii) Control access to the site;
- (iii) Control nuisance odors for wastes or liquids with the potential to create nuisance odors; and
- (iv) Control birds at impoundments storing wastes capable of attracting birds.

(b) Inspect surface impoundments, tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. In addition, surface impoundments shall have regular liner inspections. Their frequency and methods of inspection shall be specified in the plan of operation and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The inspections shall be conducted at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The jurisdictional health department shall be given sufficient notice and have the opportunity to be present during liner inspections.

(c) Maintain daily operating records on the quantity and the types of waste removed from the surface impoundment or tank. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection upon request by the jurisdictional health department.

(d) Shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Results of ground water monitoring in accordance with WAC 173-350-500;
- (iv) Results of leak detection system monitoring, if applicable; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid waste to be handled at the facility;

(ii) A description of how wastes are handled on-site during the facility's active life;

(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs. This description shall include:

(A) The ground water monitoring system, if required;

(B) The overfilling prevention equipment, including details of filling and emptying techniques;

(C) The liners and embankments, tank piping and secondary containment;

(D) Safety and emergency plans;

(E) The forms used to record weights and volumes;

and

(F) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Surface impoundments and tanks - Ground water monitoring requirements.*

(a) Surface impoundments not equipped with a leak detection layer are subject to the ground water monitoring requirements of WAC 173-350-500.

(b) Surface impoundments equipped with a leak detection layer and tanks are not subject to the ground water monitoring requirements of this chapter; however, surface impoundments must meet the requirements provided under WAC 173-350-040(5).

(6) *Surface impoundments and tanks - Closure requirements.* The owner or operator of a surface impoundment or tank shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. All waste from the surface im-

poundment or tank shall be removed to a facility that conforms with the applicable regulations for handling the waste.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.

(7) *Surface impoundments and tanks - Financial assurance requirements.* There are no specific financial assurance requirements for surface impoundments or tanks subject to this chapter; however, surface impoundments and tanks must meet the requirements provided under WAC 173-350-040(5).

(8) *Surface impoundments and tanks - Permit application contents.*

(a) The owner or operator of a surface impoundment or tank shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(i) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(ii) A plan of operation meeting the requirements of subsection (4) of this section;

(iii) For surface impoundments not equipped with a leak detection layer, hydrogeologic reports and plans that address the requirements of subsection (5) of this section;

(iv) A closure plan meeting the requirements of subsection.(6) of this section.

(9) *Surface impoundments and tanks - Construction records.* The owner or operator of a surface impoundment or tank shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

173-350-350 Waste tire storage and transportation.

(1) *Waste tire storage and transportation - Applicability.* This section is applicable to all:

(a) Facilities that store waste tires in quantities of greater than eight hundred automobile tires or the combined weight equivalent of sixteen thousand pounds of all types of waste tires. This section is not applicable to the storage of waste tires in an enclosed building or in mobile containers used to transport waste tires.

(b) Persons engaged in the business of transporting waste tires except for:

- (i) Any person transporting five tires or less;
- (ii) Any person transporting used tires back to a retail outlet for repair or exchange;
- (iii) Any waste hauler regulated by chapter 81.77 RCW, Solid waste collection companies;
- (iv) The United States, the state of Washington or any local government, or contractors hired by these entities, when involved in the cleanup of illegal waste tire piles; and

(v) Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purposes of retreading or recycling.

(2) *Waste tire storage and transportation - Transportation prohibitions and enforcement.*

(a) No person shall enter into a contract for transportation of waste tires with an unlicensed waste tire transporter.

(b) Waste tires shall only be delivered to a facility that has obtained the required permits or licenses for storage, processing, or disposal of waste tires.

(c) Any person subject to this section who transports or stores waste tires without a valid waste tire carrier license or waste tire storage license issued by the Washington state department of licensing shall be subject to the penalty provisions of RCW 70.95.560.

(3) *Waste tire storage and transportation - Carrier license requirements.*

(a) All persons subject to this section engaged in the business of transporting waste tires are required to obtain a waste tire carrier license from the Washington state department of licensing.

(b) Application forms for a waste tire carrier license will be available at unified business identifier service centers located throughout the state. Unified business identifier service locations include:

- (i) The field offices of the department of revenue and the department of labor and industries;

- (ii) The tax offices of employment security;
- (iii) The Olympia office of the secretary of state; and
- (iv) The business license service office of the Washington state department of licensing.

(c) An application for a waste tire carrier license and a cab card for one vehicle shall include a two hundred fifty dollar application fee, fifty dollars of which shall be nonrefundable. Each additional vehicle cab card to be used by the licensee requires an additional fifty dollar fee. The application shall include:

- (i) A performance bond in the sum of ten thousand dollars in favor of the state of Washington; or

- (ii) In lieu of the bond, an applicant may submit other financial assurance acceptable to the department.

(d) The refundable portion of application fees may be returned to the applicant if the application is withdrawn before the department has approved or denied the application.

(e) A waste tire carrier license shall be valid for one year from the date of approval.

(4) *Waste tire storage and transportation - Location standards.* There are no specific location standards for waste tire storage sites subject to this chapter; however, waste tire storage sites must meet the requirements provided under WAC 173-350-040(5).

(5) *Waste tire storage and transportation - Design standards.* The owner or operator of a waste tire storage area shall prepare engineering reports/plans and specifications to address the design standards of this subsection. The maximum number of tires to be stored on site and the individual pile locations and sized shall be provided. The facility shall be designed so that:

- (a) The size of any individual pile of waste tires shall be limited to:

- (i) A maximum area of five thousand square feet;

- (ii) A maximum volume of fifty thousand cubic feet; and

- (iii) A maximum height of ten feet;

- (b) A clear space of at least forty feet between each pile of waste tires shall be provided. The clear space shall not contain flammable or combustible material or vegetation;

- (c) Tire storage shall not be located within ten feet of any property line or building and shall not exceed six feet in height within twenty feet of any property line or building; and

- (d) Public access shall be limited.

(6) *Waste tire storage and transportation - Operating standards.* The owner or operator of a waste tire storage facility shall:

- (a) Operate the facility to:
 - (i) Have communication capabilities to immediately summon fire, police, or other emergency service personnel in the event of an emergency;
 - (ii) Control public access in a manner sufficient to prevent arson, unauthorized vehicular traffic and illegal dumping of wastes;
 - (iii) Manage waste tires in such a way that it is protected from any material or conditions which may cause them to ignite;
 - (iv) Limit the total quantity of waste tires stored on-site at any time to the amount permitted by the jurisdictional health department;
 - (v) Provide on-site fire control equipment sufficient to extinguish any fire reasonably possible from one individual pile of waste tires. Fire control equipment may include, but is not limited to:
 - (A) Automatic sprinkler protection;
 - (B) Fire hydrants, hoses and ancillary equipment;
 - (C) Portable fire extinguishers; and
 - (D) Material-handling equipment capable of moving tires during fire fighting operations;
 - (vi) Provide vector control; and
 - (vii) Issue written receipts upon receiving loads of waste tires;
- (b) Inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;
- (c) Maintain daily operating records including:
 - (i) The numbers of tires received and removed from the site. Quantities may be measured by:
 - (A) Actual number of tires; or
 - (B) Weight, provided the operator documents the approximate number of tires included in each load; or
 - (C) Volume in cubic yards, provided the operator documents the approximate number of tires included in each load;
 - (ii) Facility inspection reports;
 - (iii) Significant deviations from the plan of operation;

(iv) Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity of tires, in tons;
- (iv) Annual quantity of tires removed from the facility and end use, in tons;
- (v) Total tons of tires remaining at the facility at year's end;
- (vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and
- (vii) Any additional information required by the jurisdictional health department as a condition of the permit;

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of how waste tires are to be handled on-site during the active life including:
 - (A) Transportation and routine storage; and
 - (B) Procedures for ensuring that all waste tires received by the facility have been transported in accordance with this section;
- (ii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iii) Safety, fire and emergency plans addressing the following:
 - (A) Procedures for the use of communications equipment to immediately report emergencies to the fire department, police, or emergency service personnel;
 - (B) A list of all emergency equipment at the facility including the location and a brief description of its capabilities;

(C) Procedures for fire fighting and the operation of fire control equipment;

(D) Employee training and emergency duty assignments;

(E) Procedures for and frequency of fire drills;

(iv) The forms used to record weights and volumes; and

(v) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(7) *Waste tire storage and transportation - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for waste tire storage sites; however, waste tire storage sites must meet the requirements provided under WAC 173-350-040(5).

(8) *Waste tire storage and transportation - Closure requirements.* The owner or operator of a facility that stores waste tires shall:

(a) Notify the jurisdictional health department, and where applicable the financial assurance instrument provider, one hundred eighty days in advance of closure;

(b) Commence implementation of the closure plan, in part or whole, within thirty days after receipt of the final waste tires;

(c) Provide certification that the site has been closed in accordance with the approved closure plan to the jurisdictional health department; and

(d) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum the closure plan shall include:

(i) Projected time intervals that identify when partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument; and

(ii) Methods of waste tire removal.

(e) The jurisdictional health department shall notify the owner or operator, the department and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) *Waste tire storage and transportation - Financial assurance requirements.*

(a) The owner or operator shall establish a financial assurance mechanism in accordance with WAC 173-350-600 for closure in accordance with the approved closure plan. The

funds shall be sufficient for hiring a third party to remove the maximum number of tires permitted to be stored at the facility and deliver the tires to a facility permitted to accept the tires.

(b) Nothing in this section shall prohibit the application of funds from an existing bond as required under RCW 70.95.555, to the total amount required for financial assurance, provided the bond can be used for the activities described in (a) of this subsection.

(c) No owner or operator shall commence or continue operations at the site until a financial assurance instrument has been provided for closure activities in conformance with WAC 173-350-600.

(10) *Waste tire storage and transportation - Solid waste permit requirements.* The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (5) of this section;

(b) A plan of operation addressing the requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

(11) *Waste tire storage and transportation - Storage site license requirements .*

(a) In order to obtain a waste tire storage license, the facility owner or operator shall first obtain a solid waste handling permit for the storage of waste tires from the jurisdictional health department.

(b) Application forms for a waste tire storage site owner license are available at unified business identifier service locations located throughout the state. Unified business identifier service locations include:

(i) The field offices of the department of revenue and the department of labor and industries;

(ii) The tax offices of employment security;

(iii) The Olympia office of the secretary of state; and

(iv) The business license service office of the Washington state department of licensing.

(c) An application for a waste tire storage site owner license shall include a two hundred fifty dollar application fee for each facility, fifty dollars of which

shall be nonrefundable. The refundable portion of application fees may be returned to the applicant under the following conditions:

(i) The department determines that a solid waste permit would meet the substantive requirements of RCW 70.95.555 and determines that a license is not required; or

(ii) The applicant withdraws the application before the department has approved or denied the application.

(d) A waste tire storage site license shall be valid for one year from the date of approval.

173-350-360 Moderate risk waste handling.

(1) *Moderate risk waste handling - Applicability.*

(a) This section is applicable to:

(i) Any facility that accepts segregated solid waste categorized as moderate risk waste (MRW), as defined in WAC 173-350-100;

(ii) Persons transporting MRW using only a bill of lading (MRW that is not shipped using a uniform hazardous waste manifest) who store MRW for more than ten days at a single location; and

(iii) Mobile systems and collection events.

(b) This section is not applicable to:

(i) Persons transporting MRW managed in accordance with the requirements for shipments of manifested dangerous waste under WAC 173-303-240;

(ii) Universal waste regulated under chapter 173-303 WAC; and

(iii) Conditionally exempt small quantity generators managing their own wastes in compliance with the performance standards of WAC 173-350-040 and 173-303-070

(8)(b).

(2) *Mobile systems and collection events.* In accordance with RCW 70.95.305, the operation of mobile systems and collection events are subject solely to the requirements of (a) through (n) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for a moderate risk waste handling facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of mobile systems and collection events shall:

(a) Notify the department and the jurisdictional health department of the intent to operate a mobile system or collection event at least thirty days prior to commenc-

ing operations. The notification shall include a description of the types and quantities of MRW to be handled;

(b) Manage mobile systems or collection events in compliance with the performance standards of WAC 173-350-040;

(c) Record the weights or gallons of each type of MRW collected, number of households and conditionally exempt small quantity generators served, and type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal). Records shall be maintained for a period of five years and will be made available to the department or jurisdictional health department on request;

(d) Ensure that the MRW at a mobile system or collection event is handled in a manner that:

(i) Prevents a spill or release of hazardous substances to the environment;

(ii) Prevents exposure of the public to hazardous substances; and

(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;

(e) Ensure that incompatible wastes are not allowed to come into contact with each other;

(f) Ensure that containers holding MRW remain closed except when adding or removing waste in order to prevent a release of MRW through evaporation or spillage if overturned;

(g) Ensure that containers holding MRW have legible labels and markings that identify the waste type;

(h) Ensure that containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);

(i) Ensure that personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill;

(j) Control public access and prevent unauthorized entry;

(k) Prepare and submit a copy of an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail the collection activities during the previous calendar year and shall include the following information:

(i) Name of owner or operator, and locations of all collection sites;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of MRW, in pounds or gallons by waste type;

(iv) Number of households and CESQGs served;

(v) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and

(vi) Any additional information required by written notification of the department;

(l) Allow inspections by the department or the jurisdictional health department at reasonable times;

(m) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours; and

(n) Mobile collection systems using truck or trailers with concealed construction, permanently attached to a chassis may require a commercial coach insignia if subject to chapter 296-150C WAC, administered by the department of labor and industries.

(3) *Limited MRW facilities and product take-back centers.* In accordance with RCW 70.95.305, the operation of limited MRW facilities is subject solely to the requirements of (a) through (i) of this subsection and is exempt from solid waste handling permitting. Product take-back centers are only subject to (b), (e) and (f) of this subsection. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for an MRW facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of limited MRW facilities shall:

(a) Notify the department and the jurisdictional health department within thirty days prior to operation of the intent to operate a limited MRW facility with a description of the type and quantity of MRW to be handled;

(b) Ensure waste at a limited MRW facility or product take-back center is handled in a manner that:

(i) Prevents a spill or release of hazardous substances to the environment;

(ii) Prevents exposure of the public to hazardous substances; and

(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;

(c) Ensure that containers and tanks holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);

(d) Provide secondary containment for containers and tanks capable of storing fifty-five gallons or more of liquid MRW;

(e) Ensure the facility meets the performance standards of WAC 173-350-040;

(f) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours of knowledge of an incident;

(g) Allow inspections by the department and jurisdictional health department at reasonable times;

(h) Maintain records of the amount and type of MRW received, and the final disposition of the MRW by amount and type; and

(i) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall cover the facility's activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantity and type of MRW, in pounds or gallons by waste type;

(D) Number of households and CESQGs served;

(E) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and

(F) Any additional information required by written notification of the department.

(4) *Moderate risk waste facilities - Location standards.* There are no specific location standards for moderate risk waste facilities subject to this chapter; however, moderate risk waste facilities must meet the requirements provided under WAC 173-350-040(5).

(5) *Moderate risk waste facilities - Design standards.*

(a) The owner or operator of a moderate risk waste facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards. Each MRW facility shall:

(i) Be surrounded by a fence, walls, or natural features and provided with a lockable door or gate to control public and animal access;

(ii) Be constructed of materials that are chemically compatible with the MRW handled;

(iii) Provide secondary containment to capture and contain releases and spills, and facilitate timely cleanup in areas where MRW is handled. All secondary containment shall:

(A) Have sufficient capacity to:

(I) Contain ten percent of volume of all containers or tanks holding liquid or the total volume of the largest container holding liquids in the area, whichever is greater;

(II) Provide additional capacity to hold the precipitation from a twenty-five-year storm as defined in WAC 173-350-100, in uncovered areas; and

(III) Provide additional capacity to hold twenty minutes of flow from an automatic fire suppression system, where such a suppression system exists;

(B) Be segregated for incompatible wastes; and

(C) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, accumulated precipitation, or fire suppression materials until the collected material is detected and removed. The base shall be sloped or the containment system shall otherwise be designed and operated to drain and remove liquids resulting from leaks, spills, precipitation, or fire suppression unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(iv) Be accessible by all-weather roads;

(v) Prevent run-on and control runoff from a twenty-five-year storm, as defined in WAC 173-350-100;

(vi) Provide a sign at the site entrance that identifies the facility and shows at least the name of the site, and if applicable, hours during which the site is open for public use, and acceptable materials;

(vii) Provide sufficient ventilation to remove toxic vapors and dust from the breathing zone of workers and prevent the accumulation of flammable or combustible gases or fumes that could present a threat of fire or explosion;

(viii) Be constructed with explosion-proof electrical wiring, fixtures, lights, motors, switches and other electrical components as required by local fire code or the department of labor and industries;

(ix) Provide electrical grounding in areas where flammable and combustible liquids are consolidated to allow for bonding to consolidation equipment; and

(x) Provide protection of the MRW handling areas from wind, rain or snow.

(b) The owner or operator of a tank used to store or treat MRW shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

(i) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction

of the jurisdictional health department prior to the tank being covered or placed in use;

(ii) Below ground tanks shall be designed to resist buoyant forces in areas of high ground water and shall either be:

(A) Retested for tightness at a minimum of once every two years; or

(B) Equipped with a leak detection system capable of detecting a release from the tank;

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination shall be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination shall be included with design information submitted with the permit application;

(iv) Areas used to load or unload tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;

(v) Tanks and piping shall be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;

(vi) Tanks shall be structurally suited for the proposed use; and

(vii) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.

(c) Prefabricated structures with concealed construction shall meet the requirements of chapter 296-150F WAC, Factory-built housing and commercial structures, administered by the department of labor and industries.

(6) *Moderate risk waste facilities - Operating standards.* The owner or operator of a MRW facility shall:

(a) Manage MRW handling activities and facilities so that:

(i) Each storage area is marked with signs to clearly show the type of MRW to be stored in that area;

(ii) Incompatible MRW and materials shall not be mixed together or allowed to come into contact with each other;

(iii) MRW shall be compatible with the containment system;

(iv) Containers or tanks are closed except when adding or removing MRW in order to prevent a release of MRW through evaporation or spillage if overturned;

(v) All containers or tanks have visible and legible labels or markings that identify the MRW type and are visible for inspection;

(vi) Containers of MRW shall be stored in a manner that allows for easy access and inspection. Drums containing MRW shall have at least one side with a minimum of thirty inches clear aisle space;

(vii) Containers holding MRW are maintained in good condition including, but not limited to, no severe rusting or apparent structural defects;

(viii) Uniform hazardous waste manifests are prepared and used at the point where possession of the MRW is given to a commercial registered dangerous waste transporter for shipments of MRW destined for out-of-state locations. This shall be completed in accordance with WAC 173-303-180;

(ix) Public access is restricted to areas identified in the plan of operation and unauthorized entry is prevented;

(x) Communication capabilities are provided to summon fire, police, or emergency service personnel;

(xi) Flammable or explosive gases do not exceed ten percent of the lower explosive limit in the area where MRW is handled. An explosive gas monitoring program shall be implemented to ensure that this standard is achieved;

(xii) MRW is delivered to a facility that meets the performance standards of WAC 173-350-040;

(xiii) Personnel responsible for routine inspections and operations are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill; and

(xiv) The jurisdictional health department and the department are notified of any spills or discharges of MRW to the environment.

(b) Ensure that routine and annual inspections are conducted as follows:

(i) Routine inspections shall be conducted at least weekly or once each operating day, whichever is more frequent, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Routine inspections shall be performed for:

- (A) Operating hazards;
- (B) Presence of operable safety equipment;
- (C) Container integrity; and
- (D) General facility condition;

(ii) Annual inspections shall be conducted to determine the condition of:

(A) Secondary containment systems including all readily accessible below floor space, sumps, and tanks for deterioration and evidence of containment failure; and

(B) All ventilation and flammable vapor monitoring systems.

(c) Maintain daily operating records of the weights or gallons of each type of MRW collected and the number of households and CESQGs served. Facility inspection reports shall be maintained in the operating record, including at least the date and time of the inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection at the request of the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and must include the following information:

- (i) Name and address of the facility and locations of all collection sites;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of MRW, in pounds or gallons;
- (iv) Number of households and CESQGs served;
- (v) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal) by type of MRW;
- (vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and
- (vii) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid wastes to be handled at the facility;
- (ii) A description of how MRW will be handled on-site during the active life of the facility including:
 - (A) Methods for managing and/or identifying unknown wastes;

(B) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended;

(C) Protocol for sorting, processing and packaging MRW;

(D) Procedures to protect containers of MRW susceptible to damage from weather and temperature extremes;

(E) Maximum quantities of MRW to be safely stored in each area at any time;

(F) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactives; and

(G) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated;

(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;

(iv) Safety and emergency plans including:

(A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;

(B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilization);

(v) The forms used to record weights and volumes; and

(vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(7) *Moderate risk waste facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for MRW facilities subject to this chapter; however, moderate risk waste facilities must meet the requirements provided under WAC 173-350-040(5).

(8) *Moderate risk waste facilities - Closure requirements.* The owner or operator of a moderate risk waste facility shall:

(a) Notify the jurisdictional health department, and where applicable, the financial assurance instrument provider, no later than one hundred eighty days prior to the projected date of the final receipt of MRW, of the intent to implement the closure plan in part or whole. The facility shall close in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Removes all MRW and ensures delivery of the MRW to a facility that conforms with the applicable regulations for handling the waste;

(iii) Decontaminates all areas where MRW has been handled, including, but not limited to, secondary containment, buildings, tanks, equipment, and property; and

(iv) Prepares the facility for remedial measures after closure, if required.

(b) Commence closure activities in part or whole within thirty days following the receipt of the final volume of MRW. Waste shall not be accepted for disposal or for use in closure.

(c) At facility closure completion, in part or whole, submit the following to the jurisdictional health department:

(i) Certification by the owner or operator, and a professional engineer licensed in the state of Washington that the site has been closed in accordance with the approved closure plan; and

(ii) A closure report signed by the facility owner or operator and the certifying engineer that describes:

(A) Actions taken to determine if there has been a release to the environment; and

(B) The results of all inspections conducted as part of the closure procedure.

(d) Keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

(i) A description of the activities and procedures that will be used to ensure compliance with this subsection;

(ii) An estimate of the maximum volume of MRW on-site at any time during the active life of the facility; and

(iii) Closure cost estimates and projected fund withdrawal intervals from the financial assurance instrument, if such an instrument is required by subsection (9) of this section.

(e) The jurisdictional health department shall notify the owner or operator, the department and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) *Moderate risk waste facilities - Financial assurance requirements.*

(a) The owner or operator of any fixed moderate risk waste facility that stores more than nine thousand gallons of MRW on-site, excluding used oil, is required to estab-

lish financial assurance in accordance with WAC 173-350-600.

(b) Proof of financial assurance shall be provided to the jurisdictional health department prior to the acceptance of any MRW. The financial assurance instrument shall provide sufficient funds to guarantee that all closure requirements are met. In the event that hazardous substances are released to the environment and site remediation is necessary, additional financial assurance shall be provided in order that site remediation can be accomplished.

(c) Nothing in this section shall prevent an owner or operator from including the cost of MRW facility financial assurance in an instrument established for a colocated permitted solid waste facility so long as there are adequate funds available for both closure activities and the instrument identifies the commitment of funds for both activities.

(10) *Moderate risk waste facilities - Permit application contents.* The owner or operator of a MRW facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the requirements established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (5) of this section;

(b) A plan of operation meeting the requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

(11) *Moderate risk waste facilities - Construction records.* The owner or operator of a moderate risk waste facility shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

173-350-400 Limited purpose landfills.

(1) *Limited purpose landfills - Applicability.* These standards apply to all landfills except:

(a) Municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

(b) Inert waste landfills regulated under WAC 173-350-410;

(c) Special incinerator ash landfills regulated under chapter 173-306 WAC, Special incinerator ash management standards;

(d) Dangerous waste landfills regulated under chapter 173-303 WAC, Dangerous waste regulations; and

(e) Chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

(2) *Limited purpose landfills - Location standards.* All limited purpose landfills shall be located to meet the following requirements:

(a) No landfill shall be located over a Holocene fault, in subsidence areas, or on or adjacent to an unstable slope or other geologic features which could compromise the structural integrity of the facility.

(b) No landfill's active area shall be located closer than one thousand feet to a down-gradient drinking water supply well, unless the owner or operator can demonstrate that a minimum of ninety days will occur between the time that a contaminant is detected and the time the contaminant can reach the nearest down-gradient drinking water supply well. Such demonstrations shall be prepared by a licensed professional in accordance with the requirements of chapter 18.220 RCW and shall be included in the permit application. The demonstration shall be based on the details of the sampling and analysis plan and the hydrogeologic properties of the hydrostratigraphic unit.

(c) No landfill's active area shall be located in a channel migration zone as defined in WAC 173-350-100 or within two hundred feet measured horizontally, of a stream, lake, pond, river, or saltwater body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4). All facilities shall conform to location restrictions established in local shoreline management plans adopted pursuant to chapter 90.58 RCW.

(d) No landfill shall be located within ten thousand feet of any airport runway currently used by turbojet aircraft or five thousand feet of any airport runway currently used by only piston-type aircraft unless the federal aviation administration grants a waiver. This requirement is only applicable where such landfill is used for disposing of wastes where a bird hazard to aircraft would be created.

(e) All landfills shall comply with the location standards specified in RCW 70.95.060.

(3) *Limited purpose landfills - Design standards.*

(a) This section applies to landfills with considerable variations in waste types, site conditions, and operational controls. All landfills shall be designed and constructed to meet the design standards of this subsection, the performance standards of WAC 173-350-040, and shall be appropriate for and compatible with the waste, the site, and the operation. The owner or operator of a limited purpose landfill shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. An owner or operator shall be able to demonstrate during the permitting process that the design of a proposed landfill will mitigate threats to human health and the environment. When evaluating a landfill design, the jurisdictional health department shall consider the following factors:

- (i) Waste characterization;
- (ii) Soil conditions;
- (iii) Hydrogeologic conditions;
- (iv) Hydraulic conditions;
- (v) Contaminant fate and transport;
- (vi) Topography;
- (vii) Climate;
- (viii) Seismic conditions;
- (ix) The total capacity of the facility and each landfill unit;
- (x) Anticipated leachate characteristics and quantity;
- (xi) Operational controls; and
- (xii) Environmental monitoring systems.

(b) Liner system design.

(i) Liner system performance standard. Limited purpose landfills shall be constructed in accordance with a design that:

- (A) Will prevent the contamination of the hydrostratigraphic units identified in the hydrogeologic assessment of the facility at the relevant point of compliance as specified during the permitting process; and

(B) Controls methane and other explosive gases generated by the facility to ensure they do not exceed:

(I) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding the gas control or recovery system components);

(II) The lower explosive limit in soil gases or in ambient air for the gases at the property boundary or beyond; and

(III) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(ii) The jurisdictional health department may allow a limited purpose landfill to be designed and constructed without a liner system if the owner or operator can demonstrate during the permitting process that:

(A) The contaminant levels in the waste and leachate are unlikely to pose an adverse impact to the environment; and

(B) The ability of natural soils to provide a barrier or reduce the concentration of contaminants provides sufficient protection to meet the performance standards of WAC 173-350-040; and

(C) Explosive gases generated by the facility will not exceed:

(I) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding the gas control or recovery system components);

(II) The lower explosive limit in soil gases or in ambient air for the gases at the property boundary or beyond; and

(III) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(iii) Liner separation from ground water. No landfill liner system shall be constructed such that the bottom of the lowest component is less than ten feet (three meters) above the seasonal high level of ground water, unless a hydraulic gradient control system has been installed which prevents ground water from contacting the liner. For the purpose of this section, ground water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant as to harm or endanger the integrity of the liner at any time.

(iv) Hydraulic gradient control system performance standard. When a hydraulic gradient control system is to be incorporated into a landfill design, a demonstration shall be made during the permit process that the hydraulic gradient control system can be installed to control ground

water fluctuations and maintain separation between the controlled seasonal high level of ground water in the identified water-bearing unit and the bottom of the lowest liner system component. The hydraulic gradient control system shall not have negative impacts on waters of the state or impede the capability to collect samples representative of the quality of ground water at the relevant point of compliance. The demonstration shall include:

(A) A discussion in the geologic and hydro-geologic site characterization showing the effects from subsoil settlement, changes in surrounding land uses, climatic trends or other impacts affecting ground water levels during the active life, closure and post-closure periods of the landfill;

(B) A discussion showing potential impacts of the gradient control operation to existing quality and quantity of ground water or surface waters. This discussion shall include potential impacts to water users and instream flow and levels of surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system. Any currently available ground or surface water quality data for hydrostratigraphic units, springs, or surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system shall be included;

(C) Conceptual engineering drawings of the proposed landfill and a discussion as to how the hydraulic gradient control system will protect or impact the structural integrity and performance of the liner system;

(D) Preliminary engineering drawings of the hydraulic gradient control system;

(E) Design specifications for the proposed ground and surface water monitoring systems; and

(F) A discussion of the potential impacts from the gradient control system on the capability of collecting ground water samples that will represent the quality of ground water passing the relevant point of compliance.

(v) Presumptive liner design. Limited purpose landfills designed and constructed with the following composite liner are presumed to meet the performance standard of (b)(i) of this subsection. An alternative liner system design shall be used when the nature of the waste, the disposal facility, or other factors are incompatible with the presumptive liner. The presumptive liner design consists of the following two components:

(A) A lower component consisting of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(B) An upper component consisting of a high-density polyethylene (HDPE) geomembrane with a minimum of

60-mil thickness. The geomembrane shall be installed in direct and uniform contact with the lower component.

(c) Leachate collection and control system design. Except as provided in (b)(ii) of this section, limited purpose landfills shall be constructed in accordance with a design that:

- (i) Provides for collection and removal of leachate generated in the landfill;
- (ii) Is capable of maintaining less than a one-foot head of leachate over the liner system and less than a two-foot head in leachate sump areas;
- (iii) Includes a monitoring system capable of collecting representative samples of leachate generated in the landfill; and
- (iv) Provides for leachate storage, treatment, or pretreatment to meet the requirements for permitted discharge under chapter 90.48 RCW, Water pollution control, and the Federal Clean Water Act.

(d) Run-on/runoff control system design. Limited purpose landfills shall be constructed in accordance with a design that:

- (i) Will prevent flow onto the active portion of the landfill during the peak discharge from a twenty-five-year storm, as defined in WAC 173-350-100;
- (ii) Will prevent unpermitted discharges from the active portion of the landfill resulting from a twenty-five-year storm, as defined in WAC 173-350-100; and
- (iii) When located in a one hundred-year floodplain, the entrance and exit roads, and landfill practices do not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, to pose a hazard to human life, wildlife, land or water resources.

(e) Final closure system design.

(i) Final closure performance standard. Limited purpose landfills shall be closed in accordance with a design that:

- (A) Prevents exposure of waste;
- (B) Minimizes infiltration (at a minimum, the design will prevent the generation of significant quantities of leachate to eliminate the need for leachate removal by the end of the post-closure period);
- (C) Prevents erosion from wind and water;
- (D) Is capable of sustaining native vegetation;
- (E) Addresses anticipated settlement, with a goal of achieving no less than two to five percent slope after settlement;

(F) Provides sufficient stability and mechanical strength and addresses potential freeze-thaw and desiccation;

(G) Provides for the management of run-on and runoff, preventing erosion or otherwise damaging the closure cover;

(H) Minimizes the need for post-closure maintenance;

(I) Provides for collection and removal of methane and other gases generated in the landfill. Landfill gas shall be purified for sale, used for its energy value, or flared when the quantity and quality of landfill gases will support combustion. Landfill gases may be vented when they will not support combustion. The collection and removal system shall include a monitoring system capable of collecting representative samples of gases generated in the landfill; and

(J) Meets the requirements of regulations, permits and policies administered by the jurisdictional air pollution control authority or the department under chapter 70.94 RCW, Washington Clean Air Act and Section 110 of the Federal Clean Air Act.

(ii) Presumptive final closure cover. Limited purpose landfills designed and constructed with the following closure cover are presumed to meet the performance standards in (e)(i)(A) through (D) of this subsection. An alternative final closure cover shall be used when the nature of the waste, the disposal facility or other factors are incompatible with the presumptive final closure cover system. The presumptive final closure cover consists of the following components:

(A) An antierosion layer consisting of a minimum of two feet (60 cm) of earthen material of which at least twelve inches (30 cm) of the uppermost layer is capable of sustaining native vegetation, seeded with grass or other shallow rooted vegetation; and

(B) A geomembrane with a minimum of 30-mil (.76 mm) thickness, or a greater thickness that is commensurate with the ability to join the geomembrane material and site characteristics such as slope, overlaying a competent foundation.

(f) Water balance and ground water contaminant fate and transport modeling. Any modeling performed for evaluating a landfill design shall meet the following performance standards:

(i) All water balance analysis shall be performed using:

(A) The Hydrologic Evaluation of Landfill Performance (HELP) Model; or

(B) Alternate methods approved by the jurisdictional health department. Alternate methods shall have supporting documentation establishing its ability to accurately represent the water balance within the landfill unit.

(ii) Any ground water and contaminant fate and transport modeling shall be conducted by a licensed professional in accordance with the requirements of chapter 18.220 RCW and meet the following performance standards:

(A) The model shall have supporting documentation that establishes the ability of those methods to represent ground water flow and contaminant transport under the conditions at the site;

(B) The model shall be calibrated against site-specific field data;

(C) A sensitivity analysis shall be conducted to measure the model's response to changes in the values assigned to major parameters, specific tolerances, and numerically assigned space and time discretizations;

(D) The value of the model's parameters requiring site-specific data shall be based upon actual field or laboratory measurements; and

(E) The values of the model's parameters that do not require site-specific data shall be supported by laboratory test results or equivalent methods documenting the validity of the chosen parameter values.

(g) Seismic impact zones. Limited purpose landfills located in seismic impact zones shall be designed and constructed so that all containment structures, including liners, leachate collection systems, surface water control systems, gas management, and closure cover systems are able to resist the maximum horizontal acceleration in lithified earth materials for the site.

(h) The owner or operator of limited purpose landfills located in an unstable area shall demonstrate that engineering measures have been incorporated into the landfill's design to ensure that the integrity of the structural components of the landfill will not be disrupted. The owner or operator shall place the demonstration in the application for a permit. The owner or operator shall consider the following factors, at a minimum, when determining whether an area is unstable:

(i) On-site or local soil conditions that may result in significant differential settling;

(ii) On-site or local geologic or geomorphologic features; and

(iii) On-site or local human-made features or events (both surface and subsurface).

(i) Limited purpose landfills shall be designed to provide a setback of at least one hundred feet between the active area and the property boundary. The setback shall be increased if necessary to:

- (i) Control nuisance odors, dust, and litter;
- (ii) Provide a space for the placement of monitoring wells, gas probes, run-on/runoff controls, and other design elements; or
- (iii) Provide sufficient area to allow proper operation of the landfill and access to environmental monitoring systems and facility structures.

(4) *Limited purpose landfills - Operating standards.*

The owner or operator of a limited purpose landfill shall:

- (a) Operate the facility to:
 - (i) Control public access and prevent unauthorized vehicular traffic, illegal dumping of wastes, and keep animals out by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. A lockable gate shall be required at each entry to the landfill;
 - (ii) Provide approach and exit roads of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance;
 - (iii) Ensure that no liquid waste or liquids are placed in disposal facilities;
 - (iv) Provide on-site fire protection as determined by the local and state fire control jurisdiction. Landfills disposing of wastes that can support combustion shall have a method to control subsurface fires;
 - (v) Ensure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for disposal facilities with a permitted capacity of greater than fifty thousand cubic yards per year;
 - (vi) Provide communication between employees working at the landfill and management offices, on-site and off-site, sufficient to handle emergencies;
 - (vii) Control fugitive dust;
 - (viii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under chapter 70.94 RCW, Washington Clean Air Act;
 - (ix) Collect scattered litter as necessary to prevent vector harborage, a fire hazard, aesthetic impacts, or adversely affect wildlife or its habitat;
 - (x) Prohibit scavenging;
 - (xi) Ensure that reserve operational equipment shall be available to maintain and meet these standards;
- and

(xii) Ensure that operations do not endanger any containment or monitoring structures such as liners, leachate collection systems, surface water control systems, gas management, cover systems and monitoring wells.

(b) Operate the facility in compliance with the following operating standards unless a demonstration can be made during the permitting process that due to the nature, source of the waste, or quality of the leachate generated, these standards are not necessary for the protection of human health or the environment:

(i) Implement a program at the facility for detecting and preventing the disposal of dangerous waste fully regulated under chapter 173-303 WAC, municipal solid waste and other prohibited wastes. This program shall include, at a minimum:

(A) Random inspections of incoming loads unless the owner or operator takes other steps (for example, instituting source controls restricting the type of waste received) to ensure that incoming loads do not contain prohibited wastes. Random inspections shall include:

(I) Discharging a random waste load onto a suitable surface, or portion of the tipping area. A suitable surface shall be chosen to avoid interference with operations, so that sorted waste can be distinguished from other loads of uninspected waste, to avoid litter, and to contain runoff;

(II) The contents of the load shall be visually inspected prior to actual disposal of the waste. The facility owner or operator shall return prohibited waste to the hauler, arrange for disposal of prohibited wastes at a facility permitted to manage those wastes, or take other measures to prevent disposal of the prohibited waste at the facility;

(B) Maintaining records of inspections, or the results of other procedures if appropriate;

(C) Training facility personnel to recognize regulated dangerous waste, prohibited polychlorinated biphenyls (PCB) wastes and other prohibited wastes; and

(D) Immediate notification of the department and the jurisdictional health department if a regulated dangerous waste or prohibited PCB waste is discovered at the facility.

(ii) Thoroughly compact the solid waste before succeeding layers are added except for the first lift over a liner.

(iii) Cover disposed waste to control disease vectors, fires, nuisance odors, blowing litter, and scavenging. Putrescible waste shall be covered at the end of each operating day, or at more frequent intervals if necessary.

The jurisdictional health department may grant a temporary waiver, not to exceed three months, from the requirement of this subsection if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical. Materials used for cover shall be:

(A) At least six inches (15 cm) of earthen material, such as soils; or

(B) Alternative materials or an alternative thickness other than at least six inches (15 cm) of earthen material as approved by the jurisdictional health department when the owner or operator demonstrates that the alternative material or thickness will control vectors, fires, nuisance odors, blowing litter, scavenging, provide adequate access for heavy vehicles, and will not adversely affect gas or leachate composition and controls.

(iv) Prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment; and

(v) Implement a program at the facility to control and monitor explosive gases and to respond to the detection of explosive gases in a manner that ensures protection of human health. This program shall include, at a minimum:

(A) Ensure that explosive gases generated by the facility do not exceed:

(I) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding the gas control or recovery system components);

(II) The lower explosive limit in soil gases or in ambient air for the gases at the property boundary or beyond; and

(III) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures;

(B) A routine explosive gas-monitoring program to ensure that all standards are met. The minimum frequency for monitoring is quarterly. The type and frequency of monitoring shall be determined based on the following factors:

(I) Soil conditions;

(II) The hydrogeologic conditions surrounding the facility;

(III) The hydraulic conditions surrounding the facility; and

(IV) The location of facility structures and property boundaries;

(C) If explosive gas levels exceed those of this subsection take all necessary steps to ensure protection of human health including:

- (I) Notifying the jurisdictional health department;
- (II) Monitoring off-site structures;
- (III) Monitoring explosive gas levels daily, unless otherwise authorized by the jurisdictional health department;
- (IV) Evacuation of buildings affected by landfill gas until determined to be safe for occupancy;
- (V) Within seven calendar days of the explosive gas levels detection, placing in the operating record the explosive gas levels detected and a description of the steps taken to protect human health and provide written notification to the jurisdictional health department; and
- (VI) Within sixty days of the explosive gas levels detection, implementing a remediation plan for the explosive gas releases, describing the nature and extent of the problem and the remedy. This shall be sent to the jurisdictional health department for approval as an amendment to the plan of operation. A copy of the remediation plan shall be placed in the operating record;

(D) Construction and decommissioning of all gas monitoring and extraction wells in a manner that protects ground water and meets the requirements of chapter 173-160 WAC, Minimum standards for construction and maintenance of wells;

(c) Inspect and maintain the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or cause a threat to human health. The inspections shall be at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The owner or operator shall keep an inspection report or summary including at least the date and time of inspection, the printed name and the signature of the inspector, a notation of observations made, and the date and nature of any repairs or corrective actions;

(d) Maintain daily operating records on the weights (or volumes), number of vehicles entering and the types of wastes received. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted on the operating record. Records shall be maintained for a minimum of five years and shall be available upon request by the jurisdictional health department;

(e) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year. The annual report shall cover land-fill activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of waste accepted in tons or cubic yards with an estimate of density in pounds per cubic yard;
- (iv) Results of ground water monitoring in accordance with WAC 173-350-500;
- (v) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and
- (vi) Any additional information required by the jurisdictional health department as a condition of the permit;

(f) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the operation of the facility and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall contain:

(i) A description of the types of solid waste to be handled at the facility;

(ii) A description of how solid wastes are to be handled on-site during its active life including:

(A) The acceptance criteria that will be applied to the waste;

(B) Procedures for ensuring only the waste described will be accepted;

(C) Procedures for handling unacceptable wastes; and

(D) Unloading and staging areas, transportation, routine filling, compaction, grading, cover or other vector controls, and housekeeping;

(iii) A description of how equipment, structures and other systems, including leachate collection, gas collection, run-on/runoff controls, and hydraulic gradient control systems, are to be inspected and maintained, including the frequency of inspection and inspection logs;

(iv) Safety and emergency plans including:

(A) Procedures for fire (including subsurface fires) prevention, a description of fire protection equipment available on-site and actions to take if there is a fire or explosion;

(B) Actions to take if leaks are detected or for other releases, such as failure of runoff containment system, if such systems are required;

(v) The forms for recording weights and volumes; and

(vi) Other such details to demonstrate that the landfill will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Limited purpose landfills - Ground water monitoring requirements.* Limited purpose landfills are subject to the ground water monitoring requirements of WAC 173-350-500.

(6) *Limited purpose landfills - Closure requirements.* The following closure requirements apply in full to facilities with limited purpose landfills:

(a) The owner or operator shall notify the jurisdictional health department, and where applicable, the financial assurance instrument provider, one hundred eighty days in advance of closure of the facility, or any portion thereof. The facility, or any portion thereof, shall close in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated runoff, or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(iii) Prepares the facility, or any portion thereof, for the post-closure period.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire landfill as identified in the approved facility closure plan unless otherwise specified in the closure plan.

(c) The owner or operator shall not accept waste, including inert wastes, for disposal or for use in closure except as identified in the closure plan approved by the jurisdictional health department.

(d) The owner or operator shall develop, keep, and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the following information:

(i) A description of the final closure cover, designed in accordance with subsection (3)(e) of this section, the methods and procedures to be used to install the

closure cover, sources of borrow materials for the closure cover, and a schedule or description of the time required for completing closure activities;

(ii) Projected time intervals at which sequential partial closure and final closure are to be implemented;

(iii) A description of the activities and procedures that will be used to ensure compliance with (a) through (g) of this subsection; and

(iv) Identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument.

(e) The owner or operator shall submit final engineering closure plans, in accordance with the approved closure plan and all approved amendments, for review, comment, and approval by the jurisdictional health department.

(f) When landfill closure is completed in part or whole, the owner or operator shall submit the following to the jurisdictional health department:

(i) Landfill closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction for the landfill, or a portion thereof, as approved in the closure plan; and

(ii) Certification by the owner or operator, and a professional engineer registered in the state of Washington, that the landfill, or a portion thereof has been closed in accordance with the approved closure plan.

(g) The owner or operator shall record maps and a statement of fact concerning the location of the disposal facility as part of the deed with the county auditor not later than three months after closure.

(h) The jurisdictional health department shall notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility, or a portion thereof, has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section, at which time the post-closure period shall commence.

(7) *Limited purpose landfills - Post-closure requirements.* The following post-closure requirements apply in full to facilities with limited purpose landfills:

(a) The owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water for a period of twenty years, or as long as necessary for the landfill to stabilize and to protect human health and the environment. For disposal facilities, post-closure care includes at least the following:

(i) Maintaining the integrity and effectiveness of any final closure cover, including making repairs to the closure cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, maintaining the vegetative cover, and preventing run-on and runoff from eroding or otherwise damaging the final closure cover;

(ii) General maintenance of the facility and facility structures for their intended use;

(iii) Monitoring ground water, surface water, leachate, or other waters in accordance with the requirements of WAC 173-350-500 and the approved monitoring plan, including remedial measures if applicable, and maintaining all monitoring systems;

(iv) Monitoring landfill gas and maintaining and operating the gas collection and control systems;

(v) Maintaining, operating, and monitoring hydraulic gradient controls systems if applicable;

(vi) Monitoring settlement; and

(vii) Any other activities deemed appropriate by the jurisdictional health department.

(b) The owner or operator shall commence post-closure activities for the facility, or portion thereof, after completion of closure activities outlined in subsection (6) of this section. The jurisdictional health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.

(c) The owner or operator shall develop, keep, and abide by a post-closure plan approved by the jurisdictional health department as a part of the permitting process. The post-closure plan shall:

(i) Address facility maintenance and monitoring activities for at least a twenty-year period or until the landfill becomes stabilized (i.e., little or no settlement, gas production or leachate generation), and monitoring of ground water, surface water, gases and settlement can be safely discontinued; and

(ii) Project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(d) The owner or operator shall complete post-closure activities for the facility, or portion thereof, in accordance with the approved post-closure plan and schedule, or the plan shall be so amended with the approval of the jurisdictional health department. The jurisdictional health department may direct facility post-closure activities, in part or completely, to cease until the post-closure plan

has been amended and has received written approval by the health department.

(e) When post-closure activities are complete, the owner or operator shall submit a certification to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary.

(f) If the jurisdictional health department finds that post-closure monitoring has established that the landfill is stabilized, the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities.

(g) The jurisdictional health department shall notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has completed post-closure activities in accordance with the specifications of the approved post-closure plan.

(8) Limited purpose landfills - Financial assurance requirements.

(a) Financial assurance is required for all limited purpose landfills.

(b) Each owner or operator shall establish a financial assurance mechanism in accordance with WAC 173-350-600 that will accumulate funds equal to the closure and post-closure cost estimates over the life of the landfill, or over the life of each landfill unit if closed discretely.

(c) No owner or operator shall commence or continue disposal operations in any part of a facility subject to this section until a financial assurance instrument has been provided for closure and post-closure activities in conformance with WAC 173-350-600.

(9) Limited purpose landfills - Permit application contents. The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Demonstrations that the facility meets the location standards of subsection (2) of this section;

(b) Documentation that all owners of property located within one thousand feet of the facility property boundary have been notified that the proposed facility may impact their ability to construct water supply wells, in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells;

(c) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(d) A plan of operation meeting the requirements of subsection (4) of this section;

(e) Hydrogeologic reports and plans that address the requirements of subsection (5) of this section;

(f) A closure plan meeting the requirements of subsection (6) of this section;

(g) A post-closure plan meeting the requirements of subsection (7) of this section; and

(h) Documentation as needed to meet the financial assurance requirements of subsection (8) of this section.

(10) *Limited purpose landfills - Construction records.* The owner or operator of a limited purpose landfill shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

173-350-410 Inert waste landfills.

(1) *Inert waste landfills - Applicability.* These standards apply to landfills that receive only inert wastes, as identified pursuant to WAC 173-350-990, including facilities that use inert wastes as a component of fill. In accordance with RCW 70.95.305, facilities with a total capacity of two hundred fifty cubic yards or less of inert wastes are categorically exempt from solid waste handling permitting and other requirements of this section, provided that the inert waste landfill is operated in compliance with the performance standards of WAC 173-350-040. An owner or operator that does not comply with the performance standards of WAC 173-350-040 is required to obtain a permit from the jurisdictional health department, and may be subject to the penalty provisions of RCW 70.95.315.

(2) *Inert waste landfills - Location standards.* All inert waste landfills shall be located to meet the following requirements. No inert waste landfill's active area shall be located:

(a) On an unstable slope;

(b) Closer than ten feet from the facility property line;

(c) Closer than one hundred feet to a drinking water supply well; or

(d) In a channel migration zone as defined in WAC 173-350-100, or within one hundred feet measured horizontally, of a stream, lake, pond, river, or saltwater body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4).

(3) *Inert waste landfills - Design standards.* The owner or operator of an inert waste landfill shall prepare engineering reports/plans and specifications to address the design standards of this subsection. The existing site topography, including the location and approximate thickness and nature of any existing waste, the vertical and horizontal limits of excavation and waste placement, final closure elevation and grades, and the design capacity of each landfill unit, total design capacity, and future use of the facility after closure, shall be included. Inert waste landfills shall be designed and constructed to:

(a) Ensure that all waste is above the seasonal high level of ground water. For the purpose of this section, ground water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant;

(b) Maintain a stable site; and

(c) Manage surface water, including run-on prevention and runoff conveyance, storage, and treatment, to protect the waters of the state;

(4) *Inert waste landfills - Operating standards.* The owner or operator of an inert waste landfill shall:

(a) Operate the facility to:

(i) Control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes;

(ii) Implement a program at the facility capable of detecting and preventing noninert wastes from being accepted or mixed with inert waste;

(iii) Handle all inert waste in a manner that is in compliance with the performance standards of WAC 173-350-040;

(iv) Handle all inert waste in a manner that controls fugitive dust and is protective of waters of the state; and

(v) Prevent unstable conditions resulting from their activities;

(b) Inspect and maintain the facility to prevent malfunctions and deterioration, operator errors and discharges that may cause a threat to human health. Inspections shall be as needed, but at least weekly, to ensure meeting opera-

tional standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records of the quantities of inert waste disposed. In addition, record and retain information that documents that all wastes landfilled meet the criteria for inert waste. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be maintained for minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of waste disposed in tons or cubic yards with an estimate of density in pounds per cubic yard; and
- (iv) Any additional information required by the jurisdictional health department as a condition of the permit;

(e) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include:

- (i) A description of the types of solid waste to be handled at the facility;
 - (ii) A description of how solid wastes are to be handled on-site during its active life including:
 - (A) Acceptance criteria that will be applied to the waste;
 - (B) Procedures for ensuring only the waste described will be accepted;
 - (C) Procedures for handling unacceptable wastes;
- and
- (D) Procedures for transporting and routine filling and grading;

- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety and emergency plans;
- (v) The forms used to record weights and volumes; and
- (vi) Other such details to demonstrate that the facility will meet the requirements of this subsection and as required by the jurisdictional health department.

(5) *Inert waste landfills - Ground water monitoring standards.* There are no specific ground water monitoring requirements for inert waste landfills subject to this chapter; however, inert waste landfills must meet the requirements provided under WAC 173-350-040(5).

(6) *Inert waste landfills - Closure requirements.* The owner or operator of an inert waste landfill shall:

(a) Notify the jurisdictional health department sixty days in advance of closure of the facility;

(b) Close the inert waste landfill unit by leveling the wastes to the extent practicable, or as appropriate for the proposed future use, and fill all voids which could pose a physical threat for persons, or which provide disease vector harborages. The inert waste landfills shall be closed in a manner to control fugitive dust and protect the waters of the state; and

(c) Record maps and a statement of fact concerning the location of the landfill as part of the deed with the county auditor not later than three months after closure.

(7) *Inert waste landfills - Financial assurance requirements.* There are no specific financial assurance requirements for inert waste landfills subject to this chapter; however, inert waste landfills must meet the requirements provided under WAC 173-350-040(5).

(8) *Inert waste landfills - Permit application contents.* The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(b) A plan of operation that meets the requirements of subsection (4) of this section; and

(c) Documentation that all owners of property located within one thousand feet of the facility property boundary have been notified that the proposed facility may impact their ability to construct water supply wells, in accor-

dance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells.

173-350-490 Other methods of solid waste handling.

(1) *Other methods of solid waste handling - Applicability.* This section applies to other methods of solid waste handling not specifically identified elsewhere in this regulation, nor excluded from this regulation.

(2) *Other methods of solid waste handling - Requirements.* Owners and operators of solid waste handling facilities subject to this section shall:

(a) Comply with the requirements in WAC 173-350-040; and

(b) Obtain a permit in accordance with the provisions of WAC 173-350-700 from the jurisdictional health department. Permit applications shall be submitted in accordance with the provisions of WAC 173-350-710 and shall include information required in WAC 173-350-715, and any other information as may be required by the jurisdictional health department.

173-350-500 Ground water monitoring.

(1) *Ground water monitoring - Professional qualifications.* All reports, plans, procedures, and design specifications required by this section shall be prepared by a licensed professional in accordance with the requirements of chapter 18.220 RCW.

(2) *Ground water monitoring - Site characterization.* A site proposed for solid waste activities shall be characterized for its geologic and hydrogeologic properties and suitability for constructing, operating, and monitoring a solid waste facility in accordance with all applicable requirements of this chapter. The site characterization report shall be submitted with the permit application and shall include at a minimum the following:

(a) A summary of local and regional geology and hydrology, including:

- (i) Faults;
- (ii) Zones of joint concentrations;
- (iii) Unstable slopes and subsidence areas on-site;
- (iv) Areas of ground water recharge and discharge;
- (v) Stratigraphy; and
- (vi) Erosional and depositional environments and facies interpretation(s);

(b) A site-specific borehole program including description of lithology, soil/bedrock types and properties, preferential ground water flow paths or zones of higher hy-

draulic conductivity, the presence of confining unit(s) and geologic features such as fault zones, cross-cutting structures, etc., and the target hydrostratigraphic unit(s) to be monitored. Requirements of the borehole program include:

(i) Each boring will be of sufficient depth below the proposed grade of the bottom liner to identify soil, bedrock, and hydrostratigraphic unit(s);

(ii) Boring samples shall be collected from five-foot intervals at a minimum and at changes in lithology. Representative samples shall be described using the unified soil classification system following ASTM D2487-85 and tested for the following if appropriate:

(A) Particle size distribution by sieve and hydrometer analyses in accordance with approved ASTM methods (D422 and D1120); and

(B) Atterburg limits following approved ASTM method D4318;

(iii) Each lithologic unit on-site will be analyzed for:

(A) Moisture content sufficient to characterize the unit using ASTM method D2216; and

(B) Hydraulic conductivity by an in situ field method or laboratory method. All samples collected for the determination of permeability shall be collected by standard ASTM procedures;

(iv) All boring logs shall be submitted with the following information:

(A) Soil and rock descriptions and classifications;

(B) Method of sampling;

(C) Sample depth, interval and recovery;

(D) Date of boring;

(E) Water level measurements;

(F) Standard penetration number following approved ASTM method D1586-67;

(G) Boring location; and

(H) Soil test data;

(v) All borings not converted to monitoring wells or piezometers shall be carefully backfilled, plugged, and recorded in accordance with WAC 173-160-420;

(vi) During the borehole drilling program, any on-site drilling and lithologic unit identification shall be performed under the direction of a licensed professional in accordance with the requirements of chapter 18.220 RCW who is trained to sample and identify soils and bedrock lithology;

(vii) An on-site horizontal and vertical reference datum shall be established during the site characterization. The standards for land boundary surveys and geodetic

control surveys and guidelines for the preparation of land descriptions shall be used to establish borehole and monitoring well coordinates and casing elevations from the reference datum;

(viii) Other methods, including geophysical techniques, may be used to supplement the borehole program to ensure that a sufficient hydrogeologic site characterization is accomplished;

(c) A site-specific flow path analysis that includes:

(i) The depths to ground water and hydrostratigraphic unit(s) including transmissive and confining units; and

(ii) Potentiometric surface elevations and contour maps, direction and rate of horizontal and vertical ground water flow;

(d) Identification of the quantity, location, and construction (where available) of private and public wells within a two thousand-foot radius, measured from the site boundaries;

(e) Tabulation of all water rights for ground water and surface water within a two thousand-foot (610 m) radius, measured from site boundaries;

(f) Identification and description of all surface waters within a one-mile (1.6 km) radius, measured from site boundaries;

(g) A summary of all previously collected site ground water and surface water analytical data, and for expanded facilities, identification of impacts of the existing facility upon ground and surface waters from landfill leachate discharges to date;

(h) Calculation of a site water balance;

(i) Conceptual design of ground water and surface water monitoring systems, and where applicable a vadose zone monitoring system, including proposed construction and installation methods for these systems;

(j) Description of land use in the area, including nearby residences;

(k) A topographic map of the site and drainage patterns, including an outline of the waste management area, property boundary, the proposed location of ground water monitoring wells, and township and range designations; and

(l) Geologic cross sections.

(3) *Ground water monitoring - System design.*

(a) The ground water monitoring system design and report shall be submitted with the permit application and shall meet the following criteria:

(i) A sufficient number of monitoring wells shall be installed at appropriate locations and depths to yield representative ground water samples from those hydro-

stratigraphic units which have been identified in the site characterization as the earliest potential contaminant flowpaths;

(ii) Represent the quality of ground water at the point of compliance, and include at a minimum:

(A) A ground water flow path analysis which supports why the chosen hydrostratigraphic unit is capable of providing an early warning detection of any ground water contamination.

(B) Documentation and calculations of all of the following information:

(I) Hydrostratigraphic unit thickness including confining units and transmissive units;

(II) Vertical and horizontal ground water flow directions including seasonal, man-made, or other short-term fluctuations in ground water flow;

(III) Stratigraphy and lithology;

(IV) Hydraulic conductivity; and

(V) Porosity and effective porosity.

(b) Upgradient monitoring wells (background wells) shall meet the following performance criteria:

(i) Shall be installed in ground water that has not been affected by leakage from a landfill unit; or

(ii) If hydrogeologic conditions do not allow for the determination of an upgradient monitoring well, then sampling at other monitoring wells which provide representative background ground water quality may be allowed.

(c) Downgradient monitoring wells (compliance wells) shall meet the following performance criteria:

(i) Represent the quality of ground water at the point of compliance;

(ii) Be installed as close as practical to the point of compliance;

(iii) When physical obstacles preclude installation of ground water monitoring wells at the relevant point of compliance at the landfill unit or solid waste facility, the downgradient monitoring system may be installed at the closest practical distance hydraulically downgradient from the relevant point of compliance that ensures detection of ground water contamination in the chosen hydrostratigraphic unit.

(d) All monitoring wells shall be constructed in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, and chapter 173-162 WAC, Regulation and licensing of well contractors and operators.

(e) The owner or operator shall notify the jurisdictional health department and the department of any proposed changes to the design, installation, development, and de-

commission of any monitoring wells, piezometers, and other measurement, sampling, and analytical devices. Proposed changes shall not be implemented prior to the jurisdictional health department's written approval. Upon completing changes, all documentation, including date of change, new monitoring well location maps, boring logs, and monitoring well diagrams, shall be submitted to the jurisdictional health department and shall be placed in the operating record.

(f) All monitoring wells, piezometers, and other measurement, sampling, and analytical devices shall be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

(4) *Ground water monitoring - Sampling and analysis plan.*

(a) The ground water monitoring program shall include consistent sampling and analysis procedures that are designed to provide monitoring results that are representative of ground water quality at the upgradient and downgradient monitoring wells. In addition to monitoring wells, facilities with hydraulic gradient control and/or leak detection systems will provide representative ground water samples from those systems. The owner or operator shall submit a compliance sampling and analysis plan as part of the permit application. The plan shall include procedures and techniques for:

- (i) Sample collection and handling;
- (ii) Sample preservation and shipment;
- (iii) Analytical procedures;
- (iv) Chain-of-custody control;
- (v) Quality assurance and quality control;
- (vi) Decontamination of drilling and sampling equipment;
- (vii) Procedures to ensure employee health and safety during well installation and monitoring; and
- (viii) Well operation and maintenance procedures.

(b) Facilities collecting leachate shall include leachate sampling and analysis as part of compliance monitoring.

(c) The ground water monitoring program shall include sampling and analytical methods that are appropriate for ground water samples. The sampling and analytical methods shall provide sufficient sensitivity, precision, selectivity and limited bias such that changes in ground water quality can be detected and quantified. All samples shall be sent to an accredited laboratory for analyses in accordance with chapter 173-50 WAC, Accreditation of environmental laboratories.

(d) Ground water elevations shall be measured in each monitoring well immediately prior to purging, each time ground water is sampled. The owner or operator shall determine the rate and direction of ground water flow each time ground water is sampled. All ground water elevations shall be determined by a method that ensures measurement to the one hundredth of a foot (3 mm) relative to the top of the well casing.

(e) Ground water elevations in wells that monitor the same landfill unit shall be measured within a period of time short enough to avoid any ground water fluctuations which could preclude the accurate determination of ground water flow rate and direction.

(f) The owner or operator shall establish background ground water quality in each upgradient and downgradient monitoring well. Background ground water quality shall be based upon a minimum of eight independent samples. Samples shall be collected for each monitoring well and shall be analyzed for parameters required in the permit for the first year of ground water monitoring. Each independent sampling event shall be no less than one month after the previous sampling event.

(g) Ground water quality shall be determined at each monitoring well at least quarterly during the active life of the solid waste facility, including closure and the post-closure period. More frequent monitoring may be required to protect downgradient water supply wells. Ground water monitoring shall begin after background ground water quality has been established. The owner or operator may propose an alternate ground water monitoring frequency. Ground water monitoring frequency must be no less than semiannually. The owner or operator must apply for a permit modification or must apply during the renewal process for changes in ground water monitoring frequency making a demonstration based on the following information:

(i) A characterization of the hydrostratigraphic unit(s) including the unsaturated zone, transmissive and confining units and include the following:

(A) Hydraulic conductivity; and

(B) Ground water flow rates;

(ii) Minimum distance between upgradient edge of the solid waste handling unit and downgradient monitoring wells (minimum distance of travel); and

(iii) Contaminant fate and transport characteristics.

(h) All facilities shall test for the following parameters:

- (i) Field parameters:
 - (A) pH;
 - (B) Specific conductance;
 - (C) Temperature;
 - (D) Static water level;
- (ii) Geochemical indicator parameters:
 - (A) Alkalinity (as CaCO₃);
 - (B) Bicarbonate (HCO₃);
 - (C) Calcium (Ca);
 - (D) Chloride (Cl);
 - (E) Iron (Fe);
 - (F) Magnesium (Mg);
 - (G) Manganese (Mn);
 - (H) Nitrate(NO₃);
 - (I) Sodium (Na);
 - (J) Sulfate (SO₄);
- (iii) Leachate indicators:
 - (A) Ammonia (NH₃ -N);
 - (B) Total organic carbon (TOC);
 - (C) Total dissolved solids (TDS).

(i) Based upon the site specific waste profile and also the leachate characteristics for lined facilities, the owner or operator shall propose additional constituents to include in the monitoring program. The jurisdictional health department shall specify the additional constituents in the solid waste permit.

(j) Testing shall be performed in accordance with *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, U.S. EPA Publication SW-846, or other testing methods approved by the jurisdictional health department.

(k) Maximum contaminant levels (MCL) for ground water are those specified in chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington.

(5) *Ground water monitoring - Data analysis, notification and reporting.*

(a) The results of monitoring well sample analyses as required by subsection (4)(h) and (i) of this section shall be evaluated using an appropriate statistical procedure(s), as approved by the jurisdictional health department during the permitting process, to determine if a significant increase over background has occurred. The statistical procedure(s) used shall be proposed in the sampling and analysis plan and be designed specifically for the intended site, or prescriptive statistical procedures from appropriate state and federal guidance may be used.

(b) If statistical analyses determine a significant increase over background:

- (i) The owner or operator shall:

(A) Notify the jurisdictional health department and the department of this finding within thirty days of receipt of the sampling data. The notification shall indicate what parameters or constituents have shown statistically significant increases;

(B) Immediately resample the ground water for the parameter(s) showing statistically significant increase in the monitoring well(s) where the statistically significant increase has occurred;

(C) Establish a ground water protection standard using the ground water quality criteria of chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington. Constituents for which the background concentration level is higher than the protection standard, the owner or operator shall use background concentration for constituents established in the facility's monitoring record.

(ii) The owner or operator may demonstrate that a source other than a landfill unit or solid waste facility caused the contamination, or the statistically significant increase resulted from error in sampling, analyses, statistical evaluation, or natural variation in ground water quality. If such a demonstration cannot be made and the concentrations or levels of the constituents:

(A) Meet the criteria established by chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, the owner or operator shall:

(I) Assess and evaluate sources of contamination; and

(II) Implement remedial measures in consultation with the jurisdictional health department and the department.

(B) Exceed the criteria established by chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, the owner or operator shall:

(I) Characterize the chemical composition of the release and the contaminant fate and transport characteristics by installing additional monitoring wells;

(II) Assess and, if necessary, implement appropriate intermediate measures to remedy the release. The measures shall be approved by the jurisdictional health department and the department; and

(III) Evaluate, select, and implement remedial measures as required by chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation, where applicable. The roles of the jurisdictional health department and the department in remedial action are further defined by WAC 173-350-900.

(c) The owner or operator shall submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year. The jurisdictional health department may require more frequent reporting based on the results of ground water monitoring. The annual report shall summarize and interpret the following information:

- (i) All ground water monitoring data, including laboratory and field data for the sampling periods;
- (ii) Statistical results and/or any statistical trends including any findings of any statistical increases for the year and time/concentration series plots;
- (iii) A summary of concentrations above the maximum contaminant levels of chapter 173-200 WAC;
- (iv) Static water level readings for each monitoring well for each sampling event;
- (v) Potentiometric surface elevation maps depicting ground water flow rate and direction for each sampling event, noting any trends or changes during the year;
- (vi) Geochemical evaluation including cation-anion balancing and trilinear and/or stiff diagraming for each sampling event noting any changes or trends in water chemistry for each well during the year; and
- (vii) Leachate analyses where appropriate for each sampling event.

173-350-600 Financial assurance requirements.

(1) *Financial assurance requirements - Applicability.* This section is applicable to:

- (a) Waste tires storage facilities regulated under WAC 173-350-350;
- (b) Moderate risk waste facilities regulated under WAC 173-350-360; and
- (c) Limited purpose landfills regulated under WAC 173-350-400.

(2) *Financial assurance requirements - Definitions.* For the purposes of this section, the following definitions apply:

- (a) Public facility means a publicly or privately owned facility that accepts solid waste generated by other persons.
- (b) Private facility means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

(3) *Financial assurance requirements - Instrument options.* Financial assurance options are available, based on facility type as defined in WAC 173-350-600(2), ownership and permittee. Contents of all instruments must be accept-

able to the jurisdictional health department. The following instrument options exist:

(a) Reserve accounts that are managed as either:

(i) Cash and investments accumulated and restricted for activities identified in the closure or post-closure plans, with the equivalent amount of fund balance reserved in the fund; or

(ii) Cash and investments held in a nonexpendable trust fund.

(b) Trust funds to receive, manage and disburse funds for activities identified in the approved closure and post-closure plans. Trust funds shall be established with an entity that has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(c) Surety bond(s) issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department. A standby trust fund for closure or post-closure shall also be established by the owner or operator to receive any funds that may be paid by the operator or surety company. The surety shall become liable for the bond obligation if the owner or operator fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the owner or operator, the jurisdictional health department and the department have received notice of cancellation. If the owner or operator has not provided alternate financial assurance acceptable under this section within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby closure or post-closure trust account. The following types of surety bonds are options:

(i) Surety bond; or

(ii) Surety bond guaranteeing that the owner or operator will perform final closure or post-closure activities.

(d) Irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. Standby trust funds for closure and post-closure shall also be established by the owner or operator to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the owner or operator, the jurisdictional health department and the department at least one hundred twenty days before the current expiration date. If the owner or operator fails to perform activities according to the closure or post-closure

plan and permit requirements, or if the owner or operator fails to provide alternate financial assurance acceptable to the jurisdictional health department within ninety days after notification that the letter of credit will not be extended, the jurisdictional health department may require that the financial institution provide the funds from the letter of credit to the jurisdictional health department to be used to complete the required closure and post-closure activities;

(e) Insurance policies issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus line insurer in one or more states, the content of which:

(i) Guarantees that the funds will be available to complete those activities identified in the approved closure or post-closure plans;

(ii) Guarantees that the insurer will be responsible for paying out funds for those activities;

(iii) Provides that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium;

(iv) Provides that if there is a failure to pay the premium, the insurer may not terminate the policy until at least one hundred twenty days after the notice of cancellation has been received by the owner or operator, the jurisdictional health department and the department;

(v) Provides that termination of the policy may not occur and the policy shall remain in full force and effect if:

(A) The jurisdictional health department determines the facility has been abandoned;

(B) Closure has been ordered by the jurisdictional health department or a court of competent jurisdiction;

(C) The owner or operator has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy; or

(D) The premium due is paid;

(vi) The owner or operator is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or when the jurisdictional health department has verified that closure, and/or post-closure, as appropriate, have been completed in accordance with the approved closure or post-closure plan;

(vii) For purposes of this rule, "captive" insurance companies as defined in WAC 173-350-100, are not an acceptable insurance company.

(f) Financial Test/corporate guarantee allows for a private corporation meeting the financial test to provide a corporate guarantee those activities identified in the closure and post-closure plans will be completed.

(i) To qualify, a private corporation owner or operator shall meet the criteria of either option A or B:

(A) Option A - to pass the financial test under this option the private corporation shall have:

(I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(B) Option B - to pass this alternative financial test, the private corporation shall have:

(I) A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or AAA, AA, A, or BBB as issued by Moody's;

(II) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(ii) The owner or operator's chief financial officer shall provide a corporate guarantee that the corporation passes the financial test at the time the closure plan is filed. This corporate guarantee shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to the jurisdictional health department a letter signed by the chief financial officer that:

(A) Provides the information necessary to document that the owner or operator passes the financial test;

(B) Guarantees that the funds to finance closure and post-closure activities according to the closure or post-closure plan and permit requirements are available;

(C) Guarantees that closure and post-closure activities will be completed according to the closure or post-closure plan and permit requirements;

(D) Guarantees that within thirty days if written notification is received from the jurisdictional health department that the owner or operator no longer meets the criteria of the financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this section;

(E) Guarantees that the owner or operator's chief financial officer will notify in writing the jurisdictional health department and the department within fifteen days any time that the owner or operator no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

(F) Acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(G) Attaches a copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and

(H) Attaches a special report from the owner or operator's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the owner or operator's chief financial officer and has determined that the information is true and accurate.

(iii) The jurisdictional health department may, based on a reasonable belief that the owner or operator no longer meets the criteria of the financial test, require reports of the financial condition at any time in addition to the annual report. The jurisdictional health department will specify the information required in the report. If the jurisdictional health department finds, on the basis of such reports or other information, that the owner or operator no longer meets the criteria of the financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this section, within thirty days after notification by the jurisdictional health department.

(iv) If the owner or operator fails to perform final closure and, where required, provide post-closure care of a facility covered by the guarantee in accordance with the approved closure and post-closure plans, the guarantor will be required to complete the appropriate activities.

(v) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator, the jurisdictional health department and the department. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the owner or operator, the jurisdictional health department and the department.

(vi) If the owner or operator fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the jurisdictional health department within ninety days after receipt of a notice of cancellation of the guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

(4) *Financial assurance requirements - Eligible financial assurance instruments.* The financial assurance instruments identified in subsection (3) of this section are available for use based on facility category and whether the permittee is a public or private entity as follows:

(a) For a public facility, as defined in subsection (2) of this section, when the permittee is a public entity, the following options are available:

- (i) Reserve account;
- (ii) Trust account;
- (iii) Surety bond (payment or performance); or
- (iv) Insurance;

(b) For a public facility as defined in subsection (2) of this section, where the permittee is a private entity, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);
- (iii) Letter of credit; or
- (iv) Insurance;

(c) For private facilities as defined in subsection (2) of this section, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);
- (iii) Letter of credit;
- (iv) Insurance; or
- (v) Financial test/corporate guarantee.

(5) *Financial assurance requirements - Cost estimate for closure.* The owner or operator shall:

(a) Prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate shall:

- (i) Be in current dollars and represent the cost of closing the facility;

(ii) Provide a detailed written estimate, in current dollars, of the cost of hiring a third party to close the facility at any time during the active life when the extent and manner of its operation would make closure the most expensive in accordance with the approved closure plan;

(iii) Project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iv) Not reduce by allowance for salvage value of equipment, solid waste, or the resale value of property or land;

(b) Prepare a new closure cost estimate in accordance with (a) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan; or

(ii) There is a change in the expected year of closure that affects the closure plan;

(c) Review the closure cost estimate by March 1st of each calendar year. The review shall be submitted to the jurisdictional health department, with a copy to the department, by April 1st of each calendar year stating that the review was completed and the findings of the review. The review will examine all factors, including inflation, involved in estimating the closure cost. Any cost changes shall be factored into a revised closure cost estimate and submit the revised cost estimate to the jurisdictional health department for review and approval. The jurisdictional health department shall evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(6) *Financial assurance requirements - Cost estimate for post-closure.* The owner or operator shall:

(a) Prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate shall:

(i) Be in current dollars and represent the total cost of completing post-closure activities for the facility for a twenty-year post-closure period or a time frame determined by the jurisdictional health department;

(ii) Provide a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct post-closure care for the facility in compliance with the post-closure plan;

(iii) Project intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan; and

(iv) Not reduce by allowance for salvage, value of equipment, or resale value of property or land.

(b) Prepare a new post-closure cost estimate for the remainder of the post-closure care period in accordance with (a) of this subsection, whenever a change in the post-closure plan increases or decreases the cost of post-closure care.

(c) During the operating life of the facility, the owner or operator must review the post-closure cost estimate by March 1st of each calendar year. The review will be submitted to the jurisdictional health department, with a copy to the department by April 1st of each calendar year stating that the review was completed and the finding of the review. The review shall examine all factors, including inflation, involved in estimating the post-closure cost estimate. Any changes in costs shall be factored into a revised post-closure cost estimate. The new estimate shall be submitted to the jurisdictional health department for approval. The jurisdictional health department shall evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(7) Financial assurance requirements - Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds generated shall be provided to the selected financial assurance instrument at the schedule specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) The facility owner or operator with systematic deposits shall establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the department.

(c) The owner or operator shall file with the jurisdictional health department, no later than April 1st of each year, an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, as applicable, diverted to the financial assurance instruments, for the previous calendar year:

(i) For facilities owned and operated by municipal corporations, the financial assurance accounts shall be audited according to the audit schedule of the office of state auditor. A certification of audit completion and summary findings shall be filed with the jurisdictional health

department and the department, including during each of the post-closure care years.

(ii) For facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington. A certification of audit completion and summary findings shall be filed with the jurisdictional health department and the department, including during each of the post-closure care years.

(B) The audit shall also include, as applicable, calculations demonstrating the proportion of closure or post-closure, completed during the preceding year as specified in the closure and post-closure plans.

(d) Established financial assurance accounts shall not constitute an asset of the facility owner or operator.

(e) Any income accruing to the established financial assurance account(s) will be used at the owner's discretion upon approval of the jurisdictional health department.

(8) *Financial assurance requirements - Fund withdrawal for closure and post-closure activities.*

(a) The owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan over the life of the permit, the closure and/or post-closure plan shall be amended..

(c) After verification by the jurisdictional health department of facility closure, excess funds remaining for closure in a financial assurance account shall be released to the facility owner or operator.

(d) After verification by the jurisdictional health department of facility post-closure, excess funds remaining for post-closure in a financial assurance account shall be released to the facility owner or operator.

173-350-700 Permits and local ordinances.

(1) *Permit required.*

(a) No solid waste storage, treatment, processing, handling or disposal facility shall be maintained, established, substantially altered, expanded or improved until the person operating or owning such site has obtained a permit or permit deferral from the jurisdictional health department or a beneficial use exemption from the department pursuant to the provisions of this chapter. Facilities operating under categorical exemptions established by this

chapter shall meet all the conditions of such exemptions or will be required to obtain a permit under this chapter. Persons dumping or depositing solid waste without a permit in violation of this chapter shall be subject to the penalty provisions of RCW 70.95.240.

(b) Permits issued under this chapter are not required for remedial actions performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree.

(c) Any jurisdictional health department and the department may enter into an agreement providing for the exercise by the department of any power that is specified in the contract and that is granted to the jurisdictional health department under chapter 70.95 RCW, Solid waste management - Reduction and recycling. However, the jurisdictional health department shall have the approval of the legislative authority or authorities it serves before entering into any such agreement with the department.

(2) *Local ordinances.* Each jurisdictional health department shall adopt local ordinances implementing this chapter not later than one year after the effective date of this chapter, and shall file the ordinances with the department within ninety days following local adoption. Local ordinances shall not be less stringent than this chapter, but may include additional requirements.

173-350-710 Permit application and issuance.

(1) *Permit application process.*

(a) Any owner or operator required to obtain a permit shall apply for a permit from the jurisdictional health department. All permit application filings shall include two copies of the application. An application shall not be considered complete by the jurisdictional health department until the information required under WAC 173-350-715 has been submitted.

(b) The jurisdictional health department may establish reasonable fees for permits, permit modifications, and renewal of permits. All permit fees collected by the health department shall be deposited in the account from which the health department's operating expenses are paid.

(c) Once the jurisdictional health department determines that an application for a permit is complete, it shall:

(i) Refer one copy to the appropriate regional office of the department for review and comment;

(ii) Investigate every application to determine whether the facilities meet all applicable laws and regulations, conform to the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan, and comply with all zoning requirements; and

(d) Once the department has received a complete application for review, it shall:

(i) Ensure that the proposed site or facility conforms with all applicable laws and regulations including the minimum functional standards for solid waste handling;

(ii) Ensure that the proposed site or facility conforms to the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan; and

(iii) Recommend for or against the issuance of each permit by the jurisdictional health department within forty-five days of receipt of a complete application.

(e) Application procedures for statewide beneficial use exemptions and permit deferrals are contained in WAC 173-350-200 and 173-350-710(8), respectively.

(2) *Permit issuance.*

(a) When the jurisdictional health department has evaluated all pertinent information, it may issue or deny a permit. Every solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department. Every permit issued by a jurisdictional health department shall contain specific requirements necessary for the proper operation of the permitted site or facility.

(b) Every permit issued shall be valid for a period not to exceed five years at the discretion of the jurisdictional health department.

(c) Jurisdictional health departments shall file all issued permits with the appropriate regional office of the department no more than seven days after the date of issuance.

(d) The department shall review the permit in accordance with RCW 70.95.185 and report its findings to the jurisdictional health department in writing within thirty days of permit issuance.

(e) The jurisdictional health department is authorized to issue one permit for a location where multiple solid waste handling activities occur, provided all activities meet the applicable requirements of this chapter.

(3) *Permit renewals.*

(a) Prior to renewing a permit, the health department shall conduct a review as it deems necessary to ensure that the solid waste handling facility or facilities located on the site continue to:

(i) Meet the solid waste handling standards of the department;

(ii) Comply with applicable local regulations;
and

(iii) Conform to the approved solid waste management plan and/or the approved hazardous waste management plan.

(b) A jurisdictional health department shall approve or deny a permit renewal within forty-five days of conducting its review.

(c) Every permit renewal shall be valid for a period not to exceed five years at the discretion of the jurisdictional health department.

(d) The department shall review the renewal in accordance with RCW 70.95.190 and report its findings to the jurisdictional health department in writing.

(e) The jurisdictional board of health may establish reasonable fees for permits reviewed under this section. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

(4) *Permit modifications.* Any significant change to the operation, design, capacity, performance or monitoring of a permitted facility may require a modification to the permit. The following procedures shall be followed by an owner or operator prior to making any change in facility operation, design, performance or monitoring:

(a) The facility owner or operator shall consult with the jurisdictional health department regarding the need for a permit modification;

(b) The jurisdictional health department shall determine whether the proposed modification is significant. Upon such a determination, the owner or operator shall make application for a permit modification, using the process outlined in subsections (1) through (3) of this section; and

(c) If a proposed change is determined to not be significant and not require a modification to the permit, the department shall be notified.

(5) *Inspections*

(a) At a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department, unless otherwise specified in this chapter.

(b) All facilities and sites shall be physically inspected prior to issuing a permit, permit renewal or permit modification.

(c) Any duly authorized representative of the jurisdictional health department may enter and inspect any property, premises or place at any reasonable time for the

purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

(6) *Permit suspension and appeals.*

(a) Any permit for a solid waste handling facility shall be subject to suspension at any time the jurisdictional health department determines that the site or the solid waste handling facility is being operated in violation of this chapter.

(b) Whenever the jurisdictional health department denies a permit or suspends a permit for a solid waste handling facility, it shall:

(i) Upon request of the applicant or holder of the permit, grant a hearing on such denial or suspension within thirty days after the request;

(ii) Provide notice of the hearing to all interested parties including the county or city having jurisdiction over the site and the department; and

(iii) Within thirty days after the hearing, notify the applicant or the holder of the permit in writing of the determination and the reasons therefore. Any party aggrieved by such determination may appeal to the pollution control hearings board by filing with the board a notice of appeal within thirty days after receipt of notice of the determination of the health officer.

(c) If the jurisdictional health department denies a permit renewal or suspends a permit for an operating waste recycling facility that receives waste from more than one city or county, and the applicant or holder of the permit requests a hearing or files an appeal under this section, the permit denial or suspension shall not be effective until the completion of the appeal process under this section, unless the jurisdictional health department declares that continued operation of the waste recycling facility poses a very probable threat to human health and the environment.

(d) Procedures for appealing beneficial use exemption determinations are contained in WAC 173-350-200 (5)(g).

(7) *Variances.*

(a) Any person who owns or operates a solid waste handling facility subject to a solid waste permit under WAC 173-350-700, may apply to the jurisdictional health department for a variance from any section of this chapter. No variance shall be granted for requirements specific to chapter 70.95 RCW, Solid waste management - Reduction and recycling. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such

variance, but only after due notice or a public hearing if requested, if it finds that:

(i) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(ii) Compliance with the section from which variance is sought would produce hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(c) Any variance or renewal shall be granted within the requirements of subsections (1) through (3) of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:

(i) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(ii) The jurisdictional health department may grant a variance conditioned by a timetable if:

(A) Compliance with this chapter will require spreading of costs over a considerable time period; and

(B) The timetable is for a period that is needed to comply with the chapter.

(d) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(e) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(8) *Permit deferral.*

(a) A jurisdictional health department may, at its discretion and with the concurrence of the department, waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other air, water or environmental permits issued for the facility

which provide an equivalent or superior level of environmental protection.

(b) The requirement to obtain a solid waste permit from the jurisdictional health department shall not be waived for any transfer station, landfill, or incinerator that receives municipal solid waste destined for final disposal.

(c) Any deferral of permitting or regulation of a solid waste facility granted by the department or a jurisdictional health department prior to June 11, 1998, shall remain valid and shall not be affected by this subsection.

(d) Any person who owns or operates an applicable solid waste handling facility subject to obtaining a solid waste permit may apply to the jurisdictional health department for permit deferral. Two copies of an application for permit deferral shall be signed by the owner or operator and submitted to the jurisdictional health department. Each application for permit deferral shall include:

(i) A description of the solid waste handling units for which the facility is requesting deferral;

(ii) A list of the other environmental permits issued for the facility;

(iii) A demonstration that identifies each requirement of this chapter and a detailed description of how the other environmental permits will provide an equivalent or superior level of environmental protection;

(iv) Evidence that the facility is in conformance with the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan;

(v) Evidence of compliance with chapter 197-11 WAC, SEPA rules; and

(vi) Other information that the jurisdictional health department or the department may require.

(e) The jurisdictional health department shall notify the applicant if it elects not to waive the requirement that a solid waste permit be issued for a facility under this chapter. If the jurisdictional health department elects to proceed with permit deferral, it shall:

(i) Forward one copy of the complete application to the department for review;

(ii) Notify the permit issuing authority for the other environmental permits described in (d)(ii) of this subsection and allow an opportunity for comment; and

(iii) Determine if the proposed permit deferral provides an equivalent or superior level of environmental protection.

(f) The department shall provide a written report of its findings to the jurisdictional health department and recommend for or against the permit deferral. The depart-

ment shall provide its findings within forty-five days of receipt of a complete permit deferral application or inform the jurisdictional health department as to the status with a schedule for its determination.

(g) No solid waste permit deferral shall be effective unless the department has provided written concurrence. All requirements for solid waste permitting shall remain in effect until the department has provided written concurrence.

(h) When the jurisdictional health department has evaluated all information, it shall provide written notification to the applicant and the department whether or not it elects to waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other environmental permits issued for the facility. Every complete permit deferral application shall be approved or denied within ninety days after its receipt by the jurisdictional health department or the owner or operator shall be informed as to the status of the application with a schedule for final determination.

(i) The jurisdictional health department shall revoke any permit deferral if it or the department determines that the other environmental permits are providing a lower level of environmental protection than a solid waste permit. Jurisdictional health departments shall notify the facility's owner or operator of intent to revoke the permit deferral and direct the owner or operator to take measures necessary to protect human health and the environment and to comply with the permit requirements of this chapter.

(j) Facilities which are operating under the deferral of solid waste permitting to other environmental permits shall:

(i) Allow the jurisdictional health department, at any reasonable time, to inspect the solid waste handling units which have been granted a permit deferral;

(ii) Notify the jurisdictional health department and the department whenever changes are made to the other environmental permits identified in (d)(ii) of this subsection. This notification shall include a detailed description of how the changes will affect the facility's operation and a demonstration, as described in (d)(iii) of this subsection, that the amended permits continue to provide an equivalent or superior level of environmental protection to the deferred solid waste permits. If the amended permits no longer provide an equivalent or superior level of environmental protection, the facility owner or operator shall close the solid waste handling unit or apply for a permit from the jurisdictional health department;

(iii) Notify the jurisdictional health department and the department within seven days of discovery of any

violation of, or failure to comply with, the conditions of the other environmental permits identified in (d)(ii) of this subsection;

(iv) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st as required under the appropriate annual reporting section of this chapter;

(v) Operate in accordance with any other written conditions that the jurisdictional health department deems appropriate; and

(vi) Shall take any measures deemed necessary by the jurisdictional health department when the permit deferral has been revoked.

173-350-715 General permit application requirements.

(1) Every permit application shall be on a format supplied by the department and shall contain the following information:

(a) Contact information for the facility owner, and the facility operator and property owner if different, including contact name, company name, mailing address, phone fax, and e-mail;

(b) Identification of the type of facility that is to be permitted;

(c) Identification of any other permit (local, state or federal) in effect at the site;

(d) A vicinity plan or map (having a minimum scale of 1:24,000) that shall show the area within one mile (1.6 km) of the property boundaries of the facility in terms of the existing and proposed zoning and land uses within that area, residences, and access roads, and other existing and proposed man-made or natural features that may impact the operation of the facility;

(e) Evidence of compliance with chapter 197-11 WAC, SEPA rules;

(f) Information as required under the appropriate facility permit application subsection of this chapter; and

(g) Any additional information as requested by the jurisdictional health department or the department.

(2) Engineering plans, reports, specifications, programs, and manuals submitted to the jurisdictional health department or the department shall be prepared and certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the solid waste facility type or activity.

(3) Signature and verification of applicants:

(a) All applications for permits shall be accompanied by evidence of authority to sign the application and shall be signed by the owner or operator as follows:

(i) In the case of corporations, by a duly authorized principal executive officer of at least the level of vice-president; in the case of a partnership or limited partnership, by:

(A) A general partner;

(B) Proprietor; or

(C) In case of sole proprietorship, by the proprietor;

(ii) In the case of a municipal, state, or other government entity, by a duly authorized principal executive officer or elected official.

(b) Applications shall be signed or attested to by, or on behalf of, the owner or operator, in respect to the veracity of all statements therein; or shall bear an executed statement by, or on behalf of, the owner or operator to the effect that false statements made therein are made under penalty of perjury.

(c) The signature of the applicant shall be notarized on the permit application form.

173-350-900 Remedial action.

When the owner or operator of a solid waste facility is subject to remedial measures in compliance with chapter 173-340 WAC, the Model Toxics Control Act, the roles of the jurisdictional health department and the department shall be as follows:

(1) The jurisdictional health department:

(a) May participate in all negotiations, meetings, and correspondence between the owner and operator and the department in implementing the model toxics control action;

(b) May comment upon and participate in all decisions made by the department in assessing, choosing, and implementing a remedial action program;

(c) Shall require the owner or operator to continue closure and post-closure activities as appropriate under this chapter, after remedial action measures are completed; and

(d) Shall continue to regulate all solid waste facilities during construction, operation, closure and post-closure, that are not directly impacted by chapter 173-340 WAC.

(2) The department shall carry out all the responsibilities assigned to it by chapter 70.105D RCW, Hazardous waste cleanup - Model Toxics Control Act.

173-350-990 Criteria for inert waste.

(1) *Criteria for inert waste - Applicability.* This section provides the criteria for determining if a solid waste is an inert waste. Dangerous wastes regulated under chapter 173-303 WAC, Dangerous waste regulation, PCB wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, and asbestos-containing waste regulated under federal 40 CFR Part 61 rules are not inert waste. For the purposes of determining if a solid waste meets the criteria for an inert waste a person shall:

(a) Apply knowledge of the waste in light of the materials or process used and potential chemical, physical, biological, or radiological substances that may be present;
or

(b) Test the waste for those potential substances that may exceed the applicable criteria. A jurisdictional health department may require a person to test a waste to determine if it meets the applicable criteria. Such testing may be required if the jurisdictional health department has reason to believe that a waste does not meet the applicable criteria or has not been adequately characterized. Testing shall be performed in accordance with:

(i) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication SW-846;
or

(ii) Other testing methods approved by the jurisdictional health department.

(2) *Criteria for inert waste - Listed inert wastes.* For the purpose of this chapter, the following solid wastes are inert wastes, provided that the waste has not been tainted, through exposure from chemical, physical, biological, or radiological substances, such that it presents a threat to human health or the environment greater than that inherent to the material:

(a) Cured concrete that has been used for structural and construction purposes, including embedded steel reinforcing and wood, that was produced from mixtures of Portland cement and sand, gravel or other similar materials;

(b) Asphaltic materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of petroleum asphalt and sand, gravel or other similar materials. Waste roofing materials are not presumed to be inert;

(c) Brick and masonry that have been used for structural and construction purposes;

(d) Ceramic materials produced from fired clay or porcelain;

(e) Glass, composed primarily of sodium, calcium, silica, boric oxide, magnesium oxide, lithium oxide or aluminum oxide. Glass presumed to be inert includes, but is not limited to, window glass, glass containers, glass fiber, glasses resistant to thermal shock, and glass-ceramics. Glass containing significant concentrations of lead, mercury, or other toxic substance is not presumed to be inert; and

(f) Stainless steel and aluminum.

(3) *Criteria for inert waste - Inert waste characteristics.* This subsection provides the criteria for determining if a solid waste not listed in subsection (2) of this section is an inert waste. Solid wastes meeting the criteria below shall have comparable physical characteristics and comparable or lower level of risk to human health and the environment as those listed in subsection (2) of this section.

(a) Inert waste shall have physical characteristics that meet the following criteria. Inert waste shall:

(i) Not be capable of catching fire and burning from contact with flames;

(ii) Maintain its physical and chemical structure under expected conditions of storage or disposal including resistance to biological and chemical degradation; and

(iii) Have sufficient structural integrity and strength to prevent settling and unstable situations under expected conditions of storage or disposal.

(b) Inert waste shall not contain chemical, physical, biological, or radiological substances at concentrations that exceed the following criteria. Inert waste shall not:

(i) Be capable of producing leachate or emissions that have the potential to negatively impact soil, ground water, surface water, or air quality;

(ii) Pose a health threat to humans or other living organisms through direct or indirect exposure; or

(iii) Result in applicable air quality standards to be exceeded, or pose a threat to human health or the environment under potential conditions during handling, storage, or disposal.

(R&R No. 03-06 § 2 (part), 11-21-2003)

Title 11

HAZARDOUS CHEMICALS

Chapters:

- 11.01 General
- 11.05 Definitions
- 11.10 Health Hazards as Public Nuisances
- 11.20 Environmental Assessment, Notification and Cleanup
- 11.30 Enforcement
- 11.40 Waivers and Appeals

Chapter 11.01

GENERAL

Sections:

- 11.01.010 Title.
- 11.01.020 Purpose and policy declared.
- 11.01.030 Scope.
- 11.01.040 Applicability.
- 11.01.050 Administration.

11.01.010 Title. The rules and regulations codified in this title shall be known as the "King County Hazardous Chemicals Rules and Regulations" and may be so cited, and is referred to herein as "this title." (R&R 45 (part), 3-21-89)

11.01.020 Purpose and policy declared. A. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

B. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner of a dwelling, building, vehicle or premises within its scope, and no provision of nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

C. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner of a dwelling, building, vehicle or premises to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents. (R&R 45 (part), 3-21-89)

11.01.030 Scope. The provisions of this title provide for the abatement of public health hazards created by the storage, use or handling of hazardous chemicals in dwellings, buildings, vehicles or premises except as otherwise provided in this title. (R&R 45 (part), 3-21-89)

11.01.040 Applicability. This title shall apply to sites described in Section 11.01.030. This title shall not apply to industrial sites where the manufacturing processes using hazardous chemicals are licensed or regulated by state or federal agencies. (R&R 45 (part), 3-21-89)

11.01.050 Administration. The health officer may develop guidelines to clarify sections of this title as needed and make these available for distribution. Development of these guidelines shall allow for public comment. (R&R 45 (part), 3-21-89)

11.01.060 Access. The health officer may, in the performance of his or her duties and to the full extent permitted by law, examine and survey all sites described in 11.01.030 of this title and associated property without hindrance. The owner, his or her agent and the occupant shall give free access to the health officer at all reasonable times when required to do so. (R&R 45 (part), 3-21-89)

Chapter 11.05

DEFINITIONS

Sections:

- 11.05.010 Approved.
- 11.05.020 Closure.
- 11.05.030 Department.
- 11.05.040 Hazardous chemical.
- 11.05.050 Health hazard.
- 11.05.060 Health officer.
- 11.05.070 Owner of record.

11.05.080 Person.
 11.05.090 Precursor.
 11.05.100 Premises.
 11.05.110 Public nuisance.
 11.05.120 Reagent.
 11.05.130 Solvent.
 11.05.140 State.
 11.05.150 Vehicle.
 11.05.160 Waived.

11.05.010 Approved. "Approved" means in writing by the health officer. (R&R 45 (part), 3-21-89)

11.05.020 Closure. "Closure" means the physical securing of a dwelling, building, vehicle or premises so as to bar or block passage or entry. (R&R 45 (part), 3-21-89)

11.05.030 Department. "Department" means the Seattle King County Department of Public Health. (R&R 45 (part), 3-21-89)

11.05.040 Hazardous chemical. "Hazardous chemical" means any substance used in the manufacture of controlled substances as defined by Chapter 147, Laws of 1988 of the state of Washington, hazardous substances as identified by RCW 70.105 and federal regulations establishing same, and WAC 360-38 Precursor Substance Control Regulations. (R&R 45 (part), 3-21-89)

11.05.050 Health hazard. "Health hazard" means a condition or situation where, in the opinion of the health officer, disease and/or injury potential exists and if unabated may endanger the health of the public. (R&R 45 (part), 3-21-89)

11.05.060 Health officer. "Health officer" means the director of the department or an authorized representative. (R&R 45 (part), 3-21-89)

11.05.070 Owner of record. "Owner of record" means that person or persons who has a lawful right of possession of a dwelling, building, vehicle or premises by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action. (R&R 45 (part), 3-21-89)

11.05.080 Person. "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever. (R&R 45 (part), 3-21-89)

11.05.090 Precursor. "Precursor" means a raw material for a controlled substance which becomes part of the finished drug product. (R&R 45 (part), 3-21-89)

11.05.100 Premises. "Premises" means a tract or parcel of land with or without habitable buildings. (R&R 45 (part), 3-21-89)

11.05.110 Public nuisance. "Public nuisance" means any unlawful act or omission to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. (R&R 45 (part), 3-21-89)

11.05.120 Reagent. "Reagent" means any substance used in a chemical reaction to detect, measure, examine, or produce other substances. (R&R 45 (part), 3-21-89)

11.05.130 Solvent. "Solvent" means a liquid capable of dissolving another substance. (R&R 45 (part), 3-21-89)

11.05.140 State. "State" means the state of Washington. (R&R 45 (part), 3-21-89)

11.05.150 Vehicle. "Vehicle" means every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. (R&R 45 (part), 3-21-89)

11.05.160 Waived. "Waived" means waived in writing by the health officer. (R&R 45 (part), 3-21-89)

Chapter 11.10

HEALTH HAZARDS AS PUBLIC NUISANCES

Sections:

- 11.10.010 Health hazards prohibited.
- 11.10.020 Public nuisance declared.
- 11.10.030 Public nuisance prohibited.

11.10.010 Health hazards prohibited. A. It is a health hazard for the owner, agent or occupant of any

dwelling, building, vehicle, or premises to suffer or permit the storing, using or handling of hazardous chemicals classified as precursors, reagents or solvents, their containers and all contaminated vessels on the property contrary to the law, or the contamination of the property by residue from hazardous chemicals.

B. It is a health hazard for the owner, agent or occupant of a dwelling, building, vehicle or premises to fail to correct any such condition after having been notified by the health officer to do so. (R&R 45 (part), 3-21-89)

11.10.020 Public nuisance declared. For purposes of this title, the board declares, finds and determines that the creation or maintenance of a health hazard is a public nuisance. (R&R 45 (part), 3-21-89)

11.10.030 Public nuisance prohibited. A. It is unlawful for any dwelling, building, vehicle or premises to be employed or used as a public nuisance. If it is found to be used or employed as such, it shall be subject to closure.

B. It is unlawful for any person to employ, use, maintain or allow the employment, use or maintenance of a dwelling, building, vehicle or premises as a public nuisance.

C. It is unlawful for any person to use or occupy any dwelling, building, vehicle or premises determined to be a public nuisance after service of notice has been made pursuant to this title, unless this provision is waived in writing by the health officer.

D. Any occupant who fails to voluntarily cease to use or occupy a dwelling, building, vehicle or premises as required by subsection C of this section may be assessed civil penalties in accordance with Chapter 1.08 of this code (Rules and Regulations 7). Any occupant may also be removed but only pursuant to a court order after notice and an opportunity to be heard by the court having jurisdiction of any action brought pursuant to this title. (R&R 45 (part) 3-21-89)

Chapter 11.20

ENVIRONMENTAL ASSESSMENT, NOTIFICATION AND CLEANUP

Sections:

- 11.20.010 Environmental assessment.
- 11.20.020 Notification.
- 11.20.030 Clean-up.

11.20.010 Environmental assessment. A. The department shall coordinate with other applicable agencies in

performing an environmental assessment of a dwelling, building, vehicle, or premises which has been contaminated by the use, handling or storage of hazardous chemicals.

1. The department may ask for assistance from the Washington State Department of Ecology in the collection or ground water, surface water, soil, sewage and other samples.

B. If a site is judged to pose long-term environmental or public health threats because of extensive contamination, the department may refer it to the Washington State Department of Ecology for investigation and possible ranking for clean-up. (R&R 45 (part), 3-21-89)

11.20.020 Notification. A. The department shall notify the owner of record by registered mail of the contamination left from the use, storage or handling of hazardous chemicals, the potential exposures from occupying such a dwelling, building, vehicle, or premises, and the owner's potential liability from renting to others.

1. It is the duty of the owner of record to notify all future occupants, renters, home purchasers or real estate agents of the fact that a property has been used to store, use or handle hazardous chemicals.

B. The department shall notify the public of a dwelling, building, vehicle, or premises which has been contaminated by hazardous chemicals by posting the dwelling, building, vehicle or premises with the warning sign shown in appendix A.

C. The department shall notify, in writing, any current occupants of a contaminated dwelling, building, vehicle, or premises of the potential risks involved with residing therein.

D. When guardians, such as child protective services or relatives, have taken custody of children who have lived in a contaminated dwelling, building, vehicle, or premises, they shall be notified of the potential health effects of hazardous chemical exposure by the department.

E. If the department determines that contamination to a dwelling, building, vehicle or premises exists, a copy or the registered letter sent to the owner of record will be attached to the deed or title of the dwelling, building, vehicle or premises. (R&R 45 (part), 3-21-89)

11.20.030 Clean-up. A. Property owners shall be advised by the department to follow the April, 1988 "Interim Guidelines for the Reduction of Contamination in Buildings Used as Methamphetamine Drug Labs" developed by the Oregon Department of Human Resources or other guidelines found acceptable by the department.

B. The department shall provide owners with a list of companies skilled in environmental assessment and decontamination procedures.

C. The owner of record is financially responsible for the decontamination expenses.

D. The owner of record is responsible for keeping records and documenting decontamination procedures and submitting copies to the department.

E. The owner of record is financially responsible for any testing which is necessary to demonstrate the presence or absence of hazardous chemicals.

F. Once the department has received verification from the owner of record that appropriate decontamination has taken place, and the department has visited the site to assess the thoroughness of the cleanup, a second registered letter shall be sent to all affected parties and attached to the deed or title of the dwelling, building, vehicle or premises. This letter will state that:

1. Dwellings, buildings, vehicles and premises cannot currently be certified to be absolutely free of chemical contamination nor can be approved as absolutely are for re-occupancy by any government entity.

2. The subject dwelling, building, vehicle or premises has been decontaminated according to current acceptable guidelines. (R&R 45 (part), 3-21-89)

Chapter 11.30

ENFORCEMENT

Sections:

11.30.010 General provisions.

11.30.020 Closures.

11.30.010 General provisions. A. The health officer is authorized to administer and enforce all provisions of this title. Nothing contained herein is meant to limit his or her discretion in evaluating and directing compliance with this title.

B. This title and any guidelines developed per Section 11.01.050 of this title shall be enforced pursuant to this code, Chapter 1.08 (King County Board of Health Rules and Regulations No. 7).

C. In the event that any dwelling, building, vehicle, or premises found to be in violation of this title, the health officer may enforce any provision of this title against the owner of record of said dwelling, building, vehicle, or premises whether or not the owner of record had actual knowledge that said dwelling, building, vehicle, or premises was or had been used to create or maintain a public nuisance through health hazard as defined in this title.

D. If any dwelling, building, vehicle, or premises is employed, used or occupied contrary to the provisions of this title, the health officer shall give due notice to the

owner of record requiring him or her, within a reasonable time, to comply with this title. Upon failure to comply with this title, the health officer may institute appropriate legal action to compel the owner of record of the dwelling, building, vehicle, or premises to comply with this title.

E. Every notice or order in relation to a dwelling, building, vehicle or premises shall be served upon the owner of record allowing a specified reasonable time to comply with the requirements in the notice or order. However, the posting of a copy of such a notice or order in a conspicuous place in or upon the dwelling, building, vehicle, or premises, and mailing a copy thereof to such owner of record at his or her last known address, shall constitute service of any notice or order required by this title, unless otherwise provided.

F. It is unlawful for any person, other than the health officer, to remove, destroy, deface, coverup or conceal any notice or order posted as herein provided, except by written permission of the health officer. Any person who unlawfully removes, destroys, defaces, covers, or conceals any notice or order posted by the health officer, may be assessed civil penalties in accordance with Chapter 1.08 of this code (King County Board of Health Rules and Regulations 7).

G. The health officer may extend the time within which to comply with the notice or order, and whenever he or she is satisfied that the health hazard from the dwelling, building, vehicle, or premises has ceased to exist, or that the property is fit for human occupancy, may revoke the notice or order.

H. If the owner of record is a corporation, partnership, joint venture, trust, business or any other similar entity, then in that event, the director(s), trustee(s), and/or any member of a joint venture, business, or similar entity shall be both jointly and severally liable for each and every proceeding which may arise by and through enforcement of any paragraph of this title.

I. In the event the owner of record fails to abate the public nuisance as directed by the health officer under this chapter of this title, the health officer may initiate legal proceedings to abate the nuisance. In this event, the owner of record shall be liable for fees and costs incurred in abating the public nuisance including but not limited to actual attorney's fees and costs. (R&R 45 (part), 3-21-89)

11.30.020 Closures. A. In the event the health officer finds that a dwelling, building, vehicle, or premises constitutes a public nuisance as defined by this title, the health officer may order that it be closed.

B. The health officer or law enforcement agency are authorized to secure the dwelling, building, vehicle, or

premises against use or occupancy in the event that the owner fails to do so within the time specified in Section 11.30.010(E) of this title. In the event the health officer secures the property, all costs reasonably incurred by the health officer to effect a closure shall be recovered from the owner of record of the dwelling, building, vehicle, or premises.

1. As used in this subsection, costs mean those costs actually incurred by the health officer for the physical securing of the dwelling, building, vehicle or premises, including, but not limited to, actual attorneys' fees and costs and surveillance for continuing security by law enforcement officers. (R&R 45 (part), 3-21-89)

Chapter 11.40

WAIVERS AND APPEALS

Sections:

- 11.40.010 Waivers.
- 11.40.020 Appeals.

11.40.010 Waivers. The health officer may in his or her discretion, waive parts of this title upon a showing by an applicant that a waiver may be made in an individual case without placing the safety or health of the public in jeopardy. (R&R 45 (part), 3-21-89)

11.40.020 Appeals. Appeals from any decision by the health officer made pursuant to this title shall be made in accordance with the procedures prescribed earlier in Chapter 1.08 of this code. (R&R 45 (part), 3-21-89)

Title 12WATER*Chapters:

- 12.04 General
- 12.08 Definitions
- 12.16 Designer Certification
- 12.20 Design and Construction Approval of Group A and Group B Public Water Systems
- 12.24 Specific Requirements
- 12.28 Water System Operations and Management
- 12.32 Water Service Requirements
- 12.36 Waivers
- 12.40 Enforcement
- 12.44 Critical Water Supply Areas

Chapter 12.04GENERALSections:

- 12.04.010 Title.
- 12.04.020 Purpose and policy declared.
- 12.04.030 Statutory authority--Scope.
- 12.04.040 Administration.
- 12.04.050 Access.
- 12.04.060 (Reserved)

12.04.010 Title. The rules and regulations codified in this title shall be known as the "King County Public Water System Rules and Regulations" and may be so cited, and is referred to herein as "this title." (R&R 53 §1(part), 12-1-89)

12.04.020 Purpose and policy declared. This title is enacted as an exercise of the police power of the county to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

* **Editor's Note:** For administrative rules relevant to this title, look for a following "R" title of the same number.

A. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

B. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner or operator of public water systems within its scope. No provision of nor term used in this title is intended to impose any duty whatsoever upon the county or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

C. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of a public water system to comply with the provisions of this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the county by its officers, employees or agents.
(R&R 53 §1(part), 12-1-89)

12.04.030 Statutory authority--Scope. The provisions of this title are established pursuant to the authority derived from RCW 70.05.560 and WAC Chapter 246-290, including the latest revisions or amendments thereof, as they pertain to the authority and responsibilities of local health jurisdictions. The provisions of this title shall apply to the design, installation, alteration, addition, repair, replacement, maintenance and use of all group A noncommunity transient (as defined in Section 12.08.170(B) (3)(b)(2), (3) and (4)) public water systems serving zero (0) through two hundred ninety-nine (299) nonresidents and group B public water systems serving two (2) through nine (9) permanent connections or an average of less than twenty-five (25) people for sixty (60) or more days within a calendar year. (R&R 80 §1, 3-23-92: R&R 53 §1(part), 12-1-89)

12.04.040 Administration. A. This title is administered according to the Water System Plan of Operation between the Washington State Department of Health (DOH) and the department signed and approved March 21, 1989 or as thereafter amended.

B. The rules and regulations of the State Board of Health regarding public water systems, WAC 246-291, including the latest revisions or amendments thereof, which are more stringent than the existing Title 12 of this code, shall become part of this title, and the department shall have primary responsibility for those provisions pertaining to group B (as defined in Section 12.04.030 of this chapter) water systems consistent with the division of responsibilities set forth in the water system plan of operation, as per WAC 246-291-030(1).

C. The health officer may develop administrative policies and guidelines to provide further definition of the requirements of this title as needed and make these available for distribution. Development of these guidelines shall allow for public comment consistent with the requirements of RCW 42.30.060, including the latest revisions or amendments thereof.

(R&R No. 1 §1, 6-21-96: R&R No. 80 §2, 3-23-92: R&R No. 53 §1(part), 12-1-89)

12.04.050 Access.

A. The health officer may inspect any group A or B (as defined in Section 12.04.030 of this chapter) public water system for the purpose of conducting a sanitary water system survey, determining conformance with construction documents, investigating a complaint about a system, collecting water samples, or carrying out any other activity necessary for the protection of the public health of the users of the water system.

B. Access to the health officer to all group A or B (as defined in Section 12.04.030 of this chapter) public water systems shall be provided at such time and date as the health officer may require.

(R&R No. 53 §1(part), 12-1-89)

12.04.060 (Reserved).

Editor's Note

Former Section 12.04.060, entitled *Fees*, was amended in its entirety, and relocated to Chapter 2.16 of this code, by Rule and Regulation No. 05-05.

Chapter 12.08DEFINITIONSSections:

12.08.010	WAC 246-290 incorporation.
12.08.020	Accessory dwelling unit.
12.08.030	Area of heightened health concern.
12.08.035	Comprehensive system evaluation.
12.08.040	Coordinated water system plan.
12.08.050	County.
12.08.055	Critical recharge area.
12.08.060	Critical water supply service area.
12.08.070	Department.
12.08.080	Designer.
12.08.090	Development.
12.08.100	Distribution system.
12.08.110	Existing systems.
12.08.120	Five acres.
12.08.130	Health officer.
12.08.140	New water system.
12.08.142	Office conference.
12.08.145	Office file review/report.
12.08.147	Plan modification.
12.08.150	Pressure zone.
12.08.160	Professional engineer.
12.08.170	Public water system.
12.08.180	Purveyor.
12.08.190	Registered sanitarian.
12.08.200	Return inspection.
12.08.210	Service.
12.08.220	Service area.
12.08.230	Spring.
12.08.240	State.
12.08.250	Surface water.
12.08.255	Unconfined aquifer.
12.08.260	Water facilities inventory form (WFI).
12.08.270	Water utility coordination committee.
12.08.280	Well log.

12.08.010 WAC 246-290 incorporation.

Except as otherwise specifically provided in this chapter, the definitions set forth in WAC 246-290 are hereby incorporated by reference.

(R&R No. 80 §3, 3-23-92; R&R No. 53 §1(part), 12-1-89)

12.08.020 Accessory dwelling unit. "Accessory dwelling unit" means living quarters within an accessory building for the sole use of the family or persons employed on the premises or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. (R&R 53 §1(part), 12-1-89)

12.08.030 Area of heightened health concern. "Area of heightened health concern" means an area where conditions are such that the soil treatment potential is ineffective in retaining and or removing substances of public health significance to underground sources of drinking water. (R&R 53 §1(part), 12-1-89)

12.08.035 Comprehensive system evaluation. "Comprehensive system evaluation (CSE)" means a review, inspection and assessment of a public water system, including but not limited to: source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; monitoring; and potential sources of contamination for the purpose of verifying that safe and adequate drinking water is provided. (R&R No. 1 §3, 6-21-96)

12.08.040 Coordinated water system plan. "Coordinated water system plan" means a plan for public water supplies within critical water supply service areas which identifies the present and future water supply concerns in the most efficient manner possible. (R&R 53 §1(part), 12-1-89)

12.08.050 County. "County" means county of King. (R&R 53 §1(part), 12-1-89)

12.08.055 Critical recharge area. "Critical recharge area" means an area with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water. (R&R 80 §4, 3-23-92)

12.08.060 Critical water supply service area. "Critical water supply service area" means a geographical area designated by the King County Council following identification within the "Preliminary Assessment of Water Supply and Fire Protection Issues in King County" prepared by

the King County Parks, Planning and Resources. (R&R 53 §1(part), 12-1-89)

12.08.070 Department. "Department" means the Seattle-King County Department of Public Health. (R&R 53 §1(part), 12-1-89)

12.08.080 Designer. "Designer" means any holder of a public water system designer's certificate of competency pursuant to Chapter 12.08 of this title. (R&R 53 §1(part), 12-1-89)

12.08.090 Development. "Development" means land utilization as permitted by zoning laws, building codes, community plans and comprehensive plans including subdivisions, short subdivisions, lot line adjustments, rezones, building permits, ULID's and PUD's. (R&R 53 §1(part), 12-1-89)

12.08.100 Distribution system. "Distribution system" means that portion of a public water supply system which stores, affects, transmits, pumps, meters, controls and distributes water to consumers. (R&R 53 §1(part), 12-1-89)

12.08.110 Existing systems. "Existing systems" means any group B system, as defined by Section 12.08.170 of this chapter and WAC 246-291-130, which is one of the following:

A. Fully Approved/Adequate. A fully approved or adequate system is a public water system that has been found by the health officer to be in full compliance with this title and WAC 246-291 and may add services if designed accordingly. If the current design or configuration of a previously approved water system meets the code requirements in effect at the time the system was originally approved by the health department, the health department may not require that the system be upgraded to meet current regulations provided the system meets the Washington State drinking water quality standards and is not adding services. The health department can require a Group B water system which is modified, altered, or otherwise changed without prior approval by the health officer or by the Washington State Department of Health, to be retrofitted, repaired, or have construction work completed as necessary to bring such water system into conformance with the plans and specifications previously approved by the health officer. A previously approved water system is a public water

system which has demonstrated, through the submittal of plans, construction documents, as-built drawings, and/or water quality testing, whichever was required at the time of approval, that the water system met the requirements of the King County Board of health and the Washington State WACs governing Group B public or Class 4 public water systems to the satisfaction of the health officer or the Washington State Department of Health, and the water system was issued a final approval by the health officer or the Washington State Department of Health as an approved Group B or Class 4 public water system.

B. Provisionally Adequate. A provisionally adequate system is a public water system that complies with applicable MCL and treatment standards, fire flow where applicable, and meets a twenty (20) psi minimum pressure requirement under peak hourly design flow conditions, but is not in compliance with other regulatory requirements. A provisionally adequate system is considered satisfactory for its existing services, but may not expand to supply additional services.

C. Inadequate. Any public water system not satisfying the requirements of a fully approved/adequate system or a provisionally adequate system shall be deemed unsatisfactory. No additional service connections shall be made to an inadequate system.

The health officer will determine which category an existing previously unapproved water system will be placed into upon receipt of sufficient information including as-built drawings and construction specifications submitted by a certified water system designer or engineer for the water system owners, water quality testing, and other such information as needed by the health officer to determine the extent of the water system's compliance with the provisions of Chapter 246-191 WAC and Title 12 of the Code of the King County Board of Health. For the purposes of this section, an existing Group B water system is a water system which can demonstrate to the satisfaction of the health officer that it was physically constructed, completed, and in use prior to the effective date of these regulations. (R&R No. 1 §4, 6-21-96: R&R 80 §5, 3-23-92: R&R 53 §1(part), 12-1-89)

12.08.120 Five acres. "Five acres" means two hundred seventeen thousand eight hundred (217,800) square feet or one-hundred-twenty-eighth (1/128) of the section in which the property is located (except for sections with less than

six hundred forty (640) acres), including in addition, up to thirty (30) feet, but no more than one-half (1/2) of the right-of-way of any perimeter street. (R&R 80 §6, 3-23-92: R&R 53 §1(part), 12-1-89)

12.08.130 Health officer. "Health officer" means the director of the department or an authorized representative. (R&R 53 §1(part), 12-1-89)

12.08.140 New water system. "New water system" means public water system which is formed after the effective date of the rule and regulation codified in this title. (R&R 53 §1(part), 12-1-89)

12.08.142 Office conference. "Office conference" means a meeting with Group B water system users and/or their designer/engineer to address issues regarding water quality; quantity; service connections; operating agreements; protective radius covenants; water line easements; other issues of public health importance; existing water system construction; and/or water system engineering where the time of the meeting is expected to be a minimum of one hour. The current annual Public Health hourly fee for the drinking water program would apply for any time longer than one hour. (R&R 04-02 §2, 7-6-2004)

12.08.145 Office file review/report. "Office file review/report" means a non-site visit investigation of the records on a Group B water system which are readily available in the Group B water system file, analysis of the water quality records, water system history, and water system construction documents to prepare a written report on the status of the Group B water system at the request of a lending institution or any other person. The health officer shall complete an office file/review report only if a comprehensive water system evaluation for the requested Group B water system has been completed within five years before the health officer has received the application for such report. (R&R 04-02 §3, 7-6-2004)

12.08.147 Plan modification. "Plan modification" means an evaluation of plan submittals for proposed or actual limited changes to Group B water systems facilities and operating agreements to determine whether the system as proposed or changed will comply with Chapter 246-291 WAC, as amended and Title 12 of this code, as amended. Plan

modification shall not include new connections or major modifications to the Group B water system which shall be subject to the fee for initial plan review. (R&R 04-02 §4, 7-6-2004)

12.08.150 Pressure zone. "Pressure zone" means designation of a service area within which the distribution grid of any portion of the water system operates with a "satisfactory pressure range" under maximum instantaneous demand flow conditions, without the need to repump due to low pressure or to reduce excessive pressure through pressure-reducing valves. A "satisfactory pressure range" is generally from a minimum of thirty (30) psi to a maximum of eighty (80) psi service pressure at all points within the system, under maximum instantaneous demand flow conditions measured at any customer's water meter or at the property line. (R&R 53 §1(part), 12-1-89)

12.08.160 Professional engineer. "Professional engineer" means an engineer licensed in the state as a professional engineer per RCW Chapter 18.43 including the latest revisions or amendments thereof. (R&R 80 §7, 3-23-92: R&R 53 §1(part), 12-1-89)

12.08.170 Public water system. A. "Public water system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single-family residence or a water system which serves a single-family residence and one of the following:

1. A temporary medical hardship residence;
2. Any other accessory dwelling unit.

B. Public water systems shall be categorized as follows:

1. A group A water system shall be a system:
 - a. With fifteen or more service connections, regardless of the number of people; or
 - b. Serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

Group A water systems are further defined as community and noncommunity water systems.

2. Community (residential) water system means any group A public water system:

a. With fifteen or more service connections used by residents for one hundred eighty or more days within a calendar year, regardless of the number of people; or

b. Regularly serving twenty-five or more residents for one hundred eighty or more days within the calendar year, regardless of the number of service connections.

Examples of community (residential) water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

3. Noncommunity water system means a group A public water system which is not a community (residential) water system. Noncommunity water systems are further defined as:

a. Nontransient (NTNC) (school/business/ industry) water system means a noncommunity water system regularly serving twenty-five or more of the same nonresidents for one hundred eighty or more days within a calendar year. Examples of a NTNC water system might include a school, day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

b. Transient (TNC) (food/lodging/recreation) water system means a noncommunity water system:

i. Having fifteen or more service connections used less than one hundred eighty days within a calendar year; or

ii. Serving twenty-five or more different nonresidents for sixty or more days within a calendar year; or

iii. Serving twenty-five or more of the same nonresidents for sixty or more days, but less than one hundred eighty days within a calendar year; or

iv. Serving twenty-five or more residents for sixty or more days, but less than one hundred eighty days within a calendar year.

Examples of a TNC water system might include a restaurant, tavern, motel, campground, state or county park, an RV park, vacation cottages, highway rest area, or church.

4. A group B water system means a public water system which is not a group A water system. This would include a water system with less than fifteen (15) service connections and serving:

a. An average of less than twenty-five (25) people for sixty (60) or more days within a calendar year; or

b. Any number of people for less than sixty (60) days within a calendar year. (R&R 53 §1(part), 12-1-89)

12.08.180 Purveyor. "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system. It also means the authorized agents of any such entities. (R&R 53 §1(part), 12-1-89)

12.08.190 Registered sanitarian. "Registered sanitarian" means a sanitarian registered with the Washington State Board of Registered Sanitarians or the National Environmental Health Association, who is in good standing with the appropriate licensing agency. (R&R 53 §1(part), 12-1-89)

12.08.200 Return inspection. "Return inspection" means a second or subsequent site visit for a well site inspection, final inspection, comprehensive system evaluation, or well seal or decommissioning inspection within any one-year time period to verify compliance with this title or Chapter 173-160 WAC, including corrections of violations of well seal or decommissioning requirements. (R&R 04-02 §5, 7-6-2004)

12.08.210 Service. "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations allowing three (3) or more persons to occupy the same room, three (3) persons will be considered equivalent to one service. (R&R 53 §1(part), 12-1-89)

12.08.220 Service area. "Service area" means a specific geographical area serviced or for which service is planned by a purveyor (RCW 70.116.030(6)). (R&R 53 §1(part), 12-1-89)

12.08.230 Spring. "Spring" means a natural avenue which links a zone of saturation with the ground surface and allows water to flow to the surface, either by gravity or artesian pressure. (R&R 53 §1(part), 12-1-89)

12.08.240 State. "State" means the state of Washington. (R&R 53 §1(part), 12-1-89)

12.08.250 Surface water. "Surface water" means any body of water, whether fresh or marine, which either flows or is contained in a natural or artificial depression or drainage course and contains water during any of the months of May through October, or has been identified by King County surface water management division as a significant drainage feature. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, swamps, marshes, tidal water, and wetlands. (R&R 53 §1(part), 12-1-89)

12.08.255 Unconfined aquifer. "Unconfined aquifer" means an aquifer where the upper surface of the zone of saturation forms a water table, which is exposed to the atmosphere through openings in the overlying materials. (R&R 80 §8, 3-23-92)

12.08.260 Water facilities inventory form (WFI). "Water facilities inventory form (WFI)" means the DOH form which summarizes each public water system's characteristics. (R&R 53 §1(part), 12-1-89)

12.08.270 Water utility coordination committee. "Water utility coordination committee" means a committee established per WAC 246-293-150, including the latest revisions or amendments thereof, to recommend external critical water supply service area boundaries and develop a coordinated water system plan. (R&R 80 §9, 3-23-92: R&R 53 §1(part), 12-1-89)

12.08.280 Well log. "Well log" means a record of the construction or alteration of a well which is completed and filed by a water well contractor in accordance with Chapter 18.104 RCW. (R&R 53 §1(part), 12-1-89)

Chapter 12.16DESIGNER CERTIFICATIONSections:

- 12.16.010 Water system designer certificate of competency.
- 12.16.020 Design of a public water system.

12.16.010 Water system designer certificate of competency. A. It is unlawful to design a group A or B (as defined in Sections 12.16.020(B), 12.04.030 and 12.08.180 of this code) public water system without a valid public water system designer's certificate of competency. A professional engineer is exempt from this section. Professional engineers who are licensed as civil or sanitary engineers can design public water systems without being certified as a public water system designer. However, only individuals meeting all testing requirements shall be included on the department list of certified designers.

B. Application for a public water system designer's certificate of competency shall be made to the health officer. The health officer will review the application, and may deny the application if in the health officer's judgment, the applicant is for any reason, including previous findings of negligence, incompetency, misrepresentation or failure to comply with this title and WAC 246-290, not qualified to design public water systems. A written examination shall not be required of any person entitled to a waiver of fee per subsection C of this section.

C. The fee for a public water system designer's certificate of competency shall be as prescribed in Section 2.16.020. For any certificates of competency issued after July 1st of each year the fee shall be one-half the annual fee. The health officer shall waive payment of the fee for anyone who can show evidence of licensure as a registered sanitarian or professional engineer in civil or sanitary engineering, who is in good standing with the licensing agency and can demonstrate familiarity with this title. However, the health officer will determine by oral interview whether the applicant entitled to a fee waiver is familiar with this title.

D. The fee for the public water system designer's examination shall be as prescribed in Section 2.16.020 of this code, payable in advance and not refundable.

E. The health officer may suspend or revoke any public water system designer's certificate of competency, pursuant to the uniform enforcement rules and regulations, Chapter 1.08 of this code (Rules and Regulations 7).

F. The public water system designer's certificate of competency shall expire on December 31 of each year. The holder of such certificate may renew the certificate at any time prior to February 4 of the year following expiration without taking the examination required by this section. However, the holder of the certificate will not be able to submit designs for public water systems until the certificate is renewed.

G. The health officer shall hold, as necessary, informational/educational meetings for all holders of a public water system designer's certificate of competency. A minimum of two weeks notice of the meeting time and location shall be given to each designer. Attendance at the meetings shall be mandatory for all designers except those who are licensed as a professional engineer or registered sanitarian. Failure to attend the required meetings without prior approval of the health officer, shall be cause for the health officer to withhold recertification until an examination, administered under the provisions of Section 12.16.010(B) of this code, is retaken. (R&R No. 05-05 § 136, 6-17-2005; R&R 80 §11, 3-23-92; R&R 53 §1(part), 12-1-89)

12.16.020 Design of a public water system. A. Professional engineers, registered sanitarians or, under the following conditions, a designer, may design a group B public water system serving two through nine permanent connections or an average of less than twenty-five people for sixty or more days within a calendar year:

1. The system is a simple well and pressure tank system serving nine or fewer services and containing a single pressure zone;
2. No water treatment is required;
3. Special hydraulic considerations are not involved; and
4. The construction documents submitted by the designer conform to DOH guidelines.

B. All other group A and group B public water systems shall be designed by a professional engineer. (R&R 53 §1(part), 12-1-89)

Chapter 12.20

DESIGN AND CONSTRUCTION APPROVAL OF GROUP A AND GROUP B
PUBLIC WATER SYSTEMS

Sections:

- 12.20.010 Design and construction approval of new or expanding public water systems--General requirements.
- 12.20.020 Additional requirements for well sources.
- 12.20.030 Additional requirements for surface water sources.
- 12.20.040 Additional requirements for spring sources.
- 12.20.050 Design and construction approval of group A or B (as defined in 12.04.030) public water systems in existence prior to the effective date of this title.

12.20.010 Design and construction approval of new or expanding public water systems--General requirements. A. Every water purveyor, before installing, adding to, extending or altering any portion of a group A or B (as defined in Section 12.04.030 of this code) water system, except as waived in paragraph E of this section, shall have a professional engineer, registered sanitarian or designer (when allowed) submit to the health officer complete construction documents fully describing the proposed projects.

1. The nonrefundable review fee shall be according to Section 2.16.020 of this code.

2. The installation of a group A or B (as defined in Section 12.04.030 of this code) public water system prior to the approval of construction documents by the health officer shall be prohibited.

B. The health officer shall review the construction documents and within thirty days take one of the following actions:

- 1. Approve the construction documents;
- 2. Disapprove the construction documents and give reasons for denial; or
- 3. Disapprove the construction documents and require an approved alternative source.

C. Upon receipt of the written approval of the health officer, the construction documents shall be adhered to. Deviations from approved construction documents must be

submitted to the health officer for review. This section does not apply to routine main repair.

D. Construction documents shall contain, but not be limited to:

1. Detailed construction drawings, which include distribution line sizes, valving;
2. A map showing topography, distances to the source from existing property lines, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made feature affecting the quality or quantity of water and a plot plan of the system that shows elevations, and source and reservoir locations and capacities;
3. A copy of the source site inspection and approval from the health officer;
4. Information on whether or not the system is designed for irrigation purposes;
5. Provisions for design, inspection, acknowledgment of inspection and as-built drawing submittal;
6. A copy of the water right permit when developing a new source that will withdraw more than five thousand gallons per day, or increasing the capacity of an existing source to more than five thousand gallons per day, or when irrigating more than one-half acre as required by RCW 90.44.050 and RCW 90.03.250 including the latest revisions or amendments thereof;
7. A copy of the water well report, and well source development data establishing the capacity of the source. Data shall include static water level, yield, the amount of drawdown, recovery rate and duration of pumping. Interference between existing sources and the source being tested shall also be shown. The source shall be pump tested at no less than the maximum design rate to determine whether the well and aquifer are capable of supplying water at the rate desired and to provide information necessary to determine the proper pump setting in the well. A Washington State Department of Health guideline on pump testing is available to assist purveyors;
8. A recorded water use agreement which is binding and enforceable on all parties, their heirs, successors and assignees, and complies with the requirements of Section 12.28.010 of this code;
9. A recorded easement for the water line which runs from the water source to all service connections. The easement area must include provision for location of water

storage reservoirs, well house, pressure tanks, and other facilities and equipment associated with the water source;

10. For wells and springs, provisions for well and spring head protection, including a protective radius around the water source established by covenant with recording number of document. Radius size to be established as provided for in WAC 246-290-210 and Section 12.24.010(C) of this code;

11. The following information for all new sources of water supply:

a. The results of an initial analysis of the raw water quality as required by either WAC 246-290-100(2)(1) or WAC 246-290-110(3)(h), depending on water source, including, as a minimum, bacteriological, complete inorganic chemical and physical analysis and a VOC analysis. When the source water quality is subject to variation, the range of variation. The health officer may require additional chemical sampling in areas where chemical contaminants of public health importance are suspected or detected in other nearby water sources;

b. Detailed construction documents of any treatment equipment;

12. Other information as required by the health officer such as consideration of an aquifer's capability. Prior to initiating an engineering report, the purveyor should contact the department in order to identify any such additional information.

E. Within sixty days of completion and prior to use of any project for which construction documents have been required by the health officer, the designer or registered sanitarian (when applicable) or professional engineer shall submit an acknowledgment of inspection and an as-built drawing of the completed system, along with the final inspection fee. The final inspection fee shall be as prescribed in Section 2.16.020 of this code.

1. The acknowledgment of inspection and the as-built drawing shall be signed by the designer, registered sanitarian or professional engineer;

2. The acknowledgment of inspection shall state that the project was constructed in accordance with the approved construction documents and that the installation, testing and disinfection of the system were carried out in accordance with WAC Chapter 246-290 and this title; and

3. The as-built drawing shall show the final location, size and description of all water system components.

F. If the acknowledgment of inspection and as-built drawing have not been received by the health officer within two years of the date of approval of the construction documents, the approval of the construction documents shall become null and void unless the purveyor requests an extension of the approval period. Extension of the approval may be obtained by having the designer, registered sanitarian, or professional engineer submit to the health officer a status report including a written schedule for work completion, together with the appropriate fee. The health officer may require updated or revised construction documents which are in accordance with current applicable regulations and design standards provided that, in the opinion of the health officer, any construction which has taken place will not be affected by the required changes in the construction documents. Failure to comply with the written schedule may result in the extended approval becoming null and void. (R&R No. 05-05 § 137, 6-17-2005: R&R 80 §12, 3-23-92: R&R 53 §1(part), 12-1-89)

12.20.020 Additional requirements for well sources.

A. The following additional information when a well is developed as a source of supply, or when an existing system is expanding:

1. The well location, approved by the health officer, and evidence that a sanitary control area has been set forth;

a. The exact well location must be shown on a scaled plot plan of the property. Acceptable scale is one inch to thirty feet (1":30') for the source site, and one inch to one hundred feet (1":100') for the plot plan. The proposed well location, its setback from the property lines, proposed and/or existing drainfield sites, septic tanks, and any other source of contamination must be shown on the plot plan. The legal description and tax account number of the property must also be provided.

b. The plot plan, an application for a well site inspection and the appropriate fee is to be submitted to the health officer. An alternate well site inspection will require a separate application and an additional review fee for each site evaluated.

c. If an existing private well is to be converted into a public well, a well log must be provided, if available.

d. Within thirty (30) days of receipt of the application, the health officer shall approve or disapprove

the site proposed, and notify the applicant of his/her findings in writing. If disapproved, the health officer shall specify the reasons for the decision.

e. Well site approval shall be valid for two (2) years from the date of approval;

2. The well log as obtained after drilling (in the case of new wells);

3. Detailed construction plans to include, if pertinent, well housing, pump location, diameter of well, depth of completed well, depth of casing installed, location and type of screens or perforations, location and depth of all cement grout or other formation seals, provisions for air line, gauge, vent, and metering equipment, sampling tap, and provisions for emergency chlorination, including fittings for insertion of chlorine or adaptation and inclusion of a chlorinator. Plans must show at least one foot (1') separation between equipment and the pumphouse wall, and show adequate access for inspection of the pumphouse;

4. Well development data to include static water level (feet), yield (gallons/minute), the amount of draw-down (feet), recovery rate (feet/time) and duration of pumping. Wells shall be pump tested as per requirement of WAC 246-290-130(1). If drawdown stabilization does not occur after an extended period of pumping, additional geological investigation as specified by the health officer shall be performed to determine sustained yield; and

5. Results of at least one (1) bacteriological sample taken after complete flushing of the disinfecting agent from the well, which is free of disinfectant. These samples must not exceed the maximum contaminant levels for coliform bacteria as defined in WAC 246-290-310.

6. Wells shall be constructed and located in accordance with WAC Chapter 173-160, including the latest revisions or amendments thereof. (R&R 80 §13, 3-23-92: R&R 53 §1(part), 12-1-89)

12.20.030 Additional requirements for surface water sources. A. The following information shall be provided when a surface water source is developed as a source of supply or when an existing system is expanding:

1. The source must meet all the criteria specified in WAC Chapter 246-290 for surface sources including adequate watershed control (WAC 246-290-450), water treatment design (WAC 246-290-250), water quality (WAC 246-290-310), monitoring requirements (WAC 246-290-300), and report (WAC

246-290-110). (R&R 80 §14, 3-23-92: R&R 53 §1(part), 12-1-89)

12.20.040 Additional requirements for spring sources.

A. The following additional information shall be provided when a spring is developed as a source of supply or when an existing system is expanding:

1. The spring location, approved by the health officer, and evidence that a sanitary control area has been set forth;

a. The exact spring location must be shown on a scaled plot plan. Acceptable scale is one inch to thirty feet (1':30") for the source site, and one inch to one hundred feet (1':100") for the plot plan. The proposed spring location, its setback from the property lines, proposed and/or existing drainfield sites, septic tanks, and any other sources of contamination must be shown on the plot plan. The legal description and tax account number of the property must also be provided.

b. The plot plan, an application for a spring site inspection, and the appropriate fee is to be submitted to the health officer. An alternate spring site inspection will require a separate application and an additional review fee for each site evaluated.

c. Within thirty (30) days of receipt of this application the health officer shall approve or disapprove the site proposed, and notify the applicant of his/her findings in writing. If disapproved, the health officer shall specify the reasons for the decision.

d. Spring site approval shall be valid for two (2) years from the date of approval;

2. Seasonal data on the water quality and quantity for the proposed spring source. The data must address the following:

a. Minimum and maximum measured water flows of the source over a one (1) year time period. A minimum of six (6) evenly spaced flow tests must be conducted, with no more than one (1) test per month, and to include at least one (1) test per each calendar quarter (three (3) month time period) of the year;

b. Raw water bacteriological samples. A minimum of six (6) samples must be taken from the source over a one (1) year period, with no more than one (1) test per month and including one (1) test per each calendar quarter (three (3) month time period) of the year. These samples must not

exceed the maximum contaminant level for coliform bacteria as defined in WAC 246-290-310; and

3. Detailed construction plans to include depth of spring source, source development details (reservoir and spring box construction, location, type of screens or perforation, locations and depth of all cement grout or other seals to prevent surface water intrusion into the spring box, provisions for emergency chlorination, provision for spring recharge area control to prevent contamination of the source), and other information as specified in WAC 246-290-120. The plans must show at least one foot (1') separation between equipment and the pumphouse wall, and show adequate access for inspection of the pumphouse. (R&R 80 §15, 3-23-92: R&R 53 §1(part), 12-1-89)

12.20.050 Design and construction approval of group A or B (as defined in Section 12.04.030) public water systems in existence prior to the effective date of this title. A. All group A or B (as defined in Section 12.04.030) public water systems in existence prior to the effective date of this title and not having prior approval of the health officer, must apply to the health officer for approval of the design and construction of the system. The purveyor, through a designer, registered sanitarian or professional engineer, as per requirements of Chapter 12.16 of this title, shall provide to the health officer the following information along with the appropriate review fee as specified in Section 2.16.020 of this code:

1. As-built plans of the water system, size of the water system, estimate of water consumption, results of sanitary water system survey, source capacity and water right status;

2. Specific data on chemical, bacteriological and physical water quality for both the raw and drinking water; and

3. Other data as required by the health officer. This may include, but not be limited to, full compliance with WAC 246-290-110 and WAC 246-290-120.

B. The health officer may take one of the following actions based upon review of the data submitted by the purveyor:

1. Not approve the design and construction of the system and require an alternate approved source;

2. Not approve the design and construction of the system and issue a list of items required for approval;

3. Grant limited or provisional approval of the design and construction of the system, based on a defined program to bring the system into full compliance; or

4. Grant full approval of the design and construction of the system. (R&R No. 05-05 § 138, 6-17-2005: R&R 80 §16, 3-23-92: R&R 53 §1(part), 12-1-89)

Chapter 12.24

SPECIFIC REQUIREMENTS

Sections:

- 12.24.010 Source protection.
- 12.24.020 Abandonment of wells.
- 12.24.030 Cross-connections.

12.24.010 Source protection. A. Drinking water shall be obtained from the highest quality source feasible.

B. Existing and proposed drinking water sources shall conform to the water quality standards established in WAC 246-290-310 or treatment capable of achieving such standards shall be provided.

C. Sanitary Control Area.

1. Drinking water sources shall be protected from possible contaminants in accordance with the minimum setbacks set forth in Section 12.20.010(C).

2. The health officer may require greater setbacks than established in Section 12.24.010(C) if geological and hydrological data supports such a decision.

3. It shall be the purveyor's responsibility to obtain the protection needed.

4. The following setbacks shall be required for wells and springs:

	<u>Drilled Wells</u>	<u>Springs</u> ^{1, 14}
Animal Enclosures	100'	200' ¹⁴
Houses and/or Garages	100' ¹⁰	200' ¹¹
Public Roads ²	100' ^{3, 4, 8}	200' ^{3, 4, 8}
Sewers, Pressure Effluent Pipe Building Sewers	100' ¹²	200' ¹³
Septic Systems ⁵	100' ¹⁶	200' ¹⁶
Garbage and Manure Piles	100'	200'
Storage of Chemicals:		
Herbicides and Insecticides	100'	200' ¹⁴
Surface Water	100' ⁷	200' ⁶
Railroad Tracks and Power Utility or Gas Lines	100'	200'
Underground Storage Tanks	100'	200'
Sanitary and Abandoned Landfills (as defined in Board of Health King County Code Title 10)	1,000' ¹⁵	As deemed necessary by the health officer

- (1) Also applies to dug wells.
- (2) Includes county, state and interstate roads. Also includes roads in short plats which have CRID Covenants (County Road Improvement District). These roads have the potential for becoming public roads.
- (3) Private road easements, less than sixty feet (60') in width, which are existing and show no apparent or potential contamination possibilities to the water source (the roads drain surface water away from the water source through proper grading and ditching) can be allowed within the above setback if permitted by the health officer.
- (4) Private road easements, less than sixty feet (60') in width, which are proposed (not existing) within the above setback, may be permitted if it can be demonstrated to the health officer that the topography and the land contours will preclude the proposed road easement from presenting a contamination problem to the water source.

- (5) Includes the building sewer, septic tank, drain-field and designated reserve area.
- (6) A waiver of the setback to one-hundred feet (100') may be granted by the health officer for areas located below the spring site where there is an average drop-off in elevation of at least five percent (5%) from the spring site to the surface water, and it can be demonstrated that this area does not contribute to the recharge of the spring.
- (7) A waiver of the setback to fifty feet (50') may be granted by the health officer, provided that the well casing can be protected from flooding and the well utilizes an aquifer which is below the surface water and is protected by a geological barrier, hardpan, impervious layer, etc.
- (8) A waiver of the setback to seventy-five feet (75') may be granted by the health officer if:
 - (a) Ditches, properly designed and lined with impermeable material, may be installed along the roadway in order to accept any surface runoff or contamination and divert it to a point one hundred feet (100') away from the well;
 - (b) The purveyor demonstrates through appropriate engineering justification (per WAC Chapter 246-290-210) that adequate sanitary control can be provided in the vicinity of the source. The engineering justification shall include demonstration that the road right-of-way or easement does not contribute to the recharge of the water source in question;
 - (c) For a new source location, the waiver must have Washington State Department of Ecology (WSDOE) concurrence.
- (9) A waiver of the setback to one hundred fifty feet (150') may be granted by the health officer if:
 - (a) Ditches, properly designed and lined with impermeable material, may be installed along the roadway in order to accept any surface runoff or contamination and divert it to a point two hundred feet (200') away from the spring;
 - (b) The purveyor demonstrates through appropriate engineering justification (per WAC Chapter 246-290-210) that adequate sanitary control can be provided in the vicinity of the source. The engineering justifi-

- fication shall demonstrate that the road right-of-way or easement does not contribute to the recharge of the water source in question.
- (10) The setback to a private residence or garage may be reduced to seventy-five feet (75') if a waiver is granted by the health officer.
 - (11) The setback to a private residence or garage may be reduced to one hundred fifty feet (150') if a waiver is granted by the health officer.
 - (12) The setback to a sewer line, pumpline or building sewer may be reduced to fifty feet (50') if a waiver is granted by the health officer and:
 - (a) The pipe can be constructed of Schedule 40 or better and be pressure tested to a minimum of ten feet (10') of head.
 - (b) The pipe is buried in a trench with continuous and uniform bedding. Trenches must be backfilled in thin layers to twelve inches (12") above the top of the piping with clean earth which cannot contain stones, boulders, cinder fall or other materials which would damage or break the piping or cause corrosive action. Backfill materials shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect it. Stones found in the trench shall be removed for a depth of at least six inches (6") below the bottom of the pipe.
 - (c) For a new source location, the waiver must have WSDOE concurrence.
 - (13) The setback to a sewer line, pumpline or building sewer may be reduced to one hundred feet (100') if a waiver is granted by the health officer and:
 - (a) The pipe be constructed of Schedule 40 or better and be pressure tested to a minimum of ten feet (10') of head;
 - (b) The pipe is buried in a trench with continuous and uniform bedding. Trenches must be backfilled in thin layers to twelve inches (12") above the top of the piping with clean earth which cannot contain stones, boulders, cinder fall or other materials which would damage or break the piping or cause corrosive action. Backfill materials shall be tamped in layers around the pipe and to a suffi-

cient height above the pipe to adequately support and protect it. Stones found in the trench shall be removed for a depth of at least six inches (6") below the bottom of the pipe.

- (14) The setback to chicken coops, rabbit hutches, barns, pip pens and other animal enclosures, and to sheds used for storage for fertilizers, pesticides, herbicides and other chemicals may be reduced to one hundred feet (100') for spring provided that:
- (a) These are located in an area below the spring where there is an average drop-off of at least five percent (5%) from this site to these facilities and beyond;
 - (b) It can be demonstrated that this area does not contribute to the recharge of the spring source.
- (15) No public water system well shall be located closer than one thousand feet (1,000') to an up-gradient sanitary landfill unless it can be demonstrated that there are no less than ninety (90) days of travel time hydraulically from the sanitary landfill to the public water system well. Additionally, no public water system well shall be located closer than one thousand feet (1,000') to a down-gradient sanitary landfill, unless engineering studies are submitted to the health officer which justifies a reduced setback requirement.
- (16) In areas of heightened health concern or where conditions indicate a greater potential for contamination of the water supply, this distance may be increased by the health officer.
- (R&R 80 §17, 3-23-92: R&R 53 §1(part), 12-1-89)

12.24.020 Abandonment of wells. A. Abandonment or destruction of wells shall be in accordance with WAC 173-160-415 through 465.

B. The health officer may require the abandonment or destruction of any well which is constructed in violation of this title. (R&R 53 §1(part), 12-1-89)

12.24.030 Cross connections. Cross connections in public water systems are prohibited as per WAC 246-290-490. Water systems shall not be connected to another water system without the health officer's approval. (R&R 80 §18, 3-23-92: R&R 53 §1(part), 12-1-89)

Chapter 12.28WATER SYSTEM OPERATIONS AND MANAGEMENTSections:

- 12.28.011 Water system plan and management program requirements.
- 12.28.020 Required monitoring.
- 12.28.030 Public notification.
- 12.28.035 Inspections, evaluations and classification.
- 12.28.040 Existing water system condition report.

12.28.011 Water system plan and management program requirements. A. Water System Plan. Public water systems shall develop a water system plan for review and approval by the health officer if it is located in an area utilizing the Public Water System Coordination Act of 1977, WAC Chapter 70.116 and WAC Chapter 248-56. The scope and detail of the plan will be related to size and complexity of the water system.

1. This plan shall contain:
 - a. Basic water system planning data;
 - b. Existing system analysis;
 - c. Planned improvements;
 - d. Financial program;
 - e. Relationship and compatibility with other plans;
 - f. Supporting maps;
 - g. Operations program;
 - h. State Environmental Policy Act; and,
 - i. Watershed control when applicable.
- B. Small Water System Management Program. All systems not required to complete a water system plan shall develop a small water system management program. The content and detail of the program shall be consistent with the size, complexity, past performance and use of the public water system.
 1. This program is required when:
 - a. A new water system is proposed;
 - b. A new project is proposed for an existing system;
 - c. An existing system has problems associated with inadequate or improper management or operations;
 - d. Requested by the health officer for an existing system not having approved engineering documents, such as, or similar to, those described under WAC 246-290-110 and 246-290-120; or
 - e. There is a change in ownership of the system.

2. This program shall contain:
 - a. Ownership and decision-making issues;
 - b. Financial capability; and
 - c. Operations.

C. Water Use Agreement. This agreement must provide the following as a minimum:

1. Ownership of the water source and system, including all parties and lots who have the right of usage of this water source and system along with the number of service connections each is allowed. The agreement must state whether or not the parties have the right to use the water for irrigation purposes;

2. Provision for assessing water system owners and users for the installation and maintenance costs of the water source and water system, including the expense of water quality sampling as required by WAC 246-290-300 and this title;

3. Specification of the contamination sources which cannot be placed within the required protective radius of the water source;

4. Responsibility for maintenance and repair of pipeline;

5. Restriction of furnishing water to additional parties without health officer approval;

6. Provision for reliability and continuation of water service in accordance with WAC 246-290-420 and WAC 246-290-430.

- a. "Reliability" means that the purveyor shall ensure that the system is constructed, operated and maintained to protect against failures of the power supply, treatment process, equipment or structure with appropriate backup facilities. Security measures shall be employed to assure the water source, water treatment processes, water storage facilities and the distribution system are under the strict control of the purveyor. Where fire flow is required, a positive pressure at the water meter or property line shall be maintained throughout the system under fire flow conditions. Water pressure at the customers service meter or property line, if a meter is not used, shall be maintained at the approved design pressure under maximum instantaneous demand (MID) conditions. In no case shall the pressure be less than twenty (20) psi under MDI conditions. Water use restriction as a designed operation practice shall not be allowed. However, water use restrictions may be allowed in times of drought. No intake or other connection shall be maintained between a public water system and a source of water not approved by the department. The purveyor shall maintain twenty-four (24) hour phone availability and shall respond to consumer concerns and service complaints in a timely manner;

b. "Continuity" means that no purveyor shall transfer system ownership without providing written notice to the health officer and all customers. Such notice shall be provided at least one (1) year prior to the transfer, unless the new owner agrees to an earlier date. Notification shall include a time schedule for transferring responsibilities, identification of the new owner, and under what authority the new ownership will operate. If the system is a corporation, identification of the registered agent shall also be provided. It shall be the responsibility of the transferring owner to ensure all health related standards pursuant to WAC Chapter 246-290 are met during transfer of the utility. It shall also be the responsibility of the transferring owner to inform and train the new owner regarding operation of the water system;

7. Procedures for election or selection of a water purveyor to manage the water system. The purveyor's responsibilities include the taking and submitting of all necessary samples for water quality (as required in WAC Chapter 246-290, and elsewhere in this title) and handling of emergencies such as system shutdown, and shall serve as a contact person for the health officer when problems with the water system arise. The purveyor shall be responsible for notifying the health officer and all parties included in the agreement of the results of the water quality tests that are required by WAC 246-290-300 and this title; and

8. Provision for enforcement of the agreement on nonconforming parties.

D. The water system purveyor's name, address and telephone number (where the purveyor can be reached twenty-four (24) hours a day) must be provided to the health officer on an annual basis unless other arrangements are made which are acceptable to the health officer.

E. The water purveyor shall submit and update a WFI within thirty (30) days of any change in name, class, ownership or responsibility for management of the public water system. (R&R 80 §19, 3-23-92: R&R 53 §1(part), 12-1-89)

12.28.020 Required monitoring. A. The purveyor is responsible for submitting the required water quality samples in a frequency as required by WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340 and 246-291-350. The purveyor shall collect raw water samples directly from the source for water chemistry. For any bacteriological testing, the samples shall be taken from the furthest end of the distribution system or elsewhere as directed by the health officer. The health officer may require additional monitoring when he or she determines contamination is present or suspected in the water system or when the source may be vulnerable to contamination.

B. All Group B purveyors shall provide copies of their water sample analysis results directly to the health officer for entry into the King County Group B data records. All Group B water systems shall submit the sample along with a fee in accordance with Section 2.16.020 of this code for database record keeping for samples analyzed at Washington State Department of Health certified labs other than the department lab. The database record keeping fee shall be included in the cost for samples analyzed at the department lab. Any new Group B water system created after the effective date of the ordinance codified in this section shall pay an initial database set-up fee in accordance with Section 2.16.020 of this code.

C. Where the sample results indicate a possible maximum contaminant level violation, the water system purveyor shall comply with the general follow-up requirements of WAC 246-291-310 and the public notification requirements of WAC 246-291-360.

D. The health officer may, at his or her discretion, collect check samples at Group B water systems. Such check samples shall be collected at no cost to the Group B water system, unless the Group B water system purveyor has failed to sample in accordance with the requirements of this section.

E. If the purveyor fails to perform the bacteriological analysis or the nitrate analysis within six (6) months after the due date of the analysis, the health officer may sample and perform either or both of these analyses and charge a fee for service in accordance with Section 2.16.020 of this code.

F. The purveyor is responsible for ensuring that the water system water quality complies with the standards as set forth in WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340 and 246-291-350. (R&R No. 05-05 § 139, 6-17.2005: R&R 04-02 §6, 7-6-2004: R&R No. 1 §7, 6-21-96: R&R 80 §20, 3-23-92: R&R 53 §1(part), 12-1-89)

12.28.030 Public notification. A. It shall be the duty and responsibility of the water purveyor to issue a notice to all billing addresses and a notice to all permanent residences served by the system users and send a copy of the notice or a written explanation of how the system users were notified to the health officer within fourteen (14) days of any of the following:

1. When any applicable primary maximum contaminant level has been exceeded as per WAC 246-291-320, 246-291-330, 246-291-340 and 246-291-350;
2. Failure to comply with an applicable testing procedure;
3. Failure to comply with any treatment technique which has been prescribed; or
4. Failure to perform the prescribed monitoring as required.

B. The water purveyor shall notify the water system users in accordance with WAC 246-291-360. (R&R No. 1 §8, 6-21-96: R&R 80 §21, 3-23-92: R&R 53 §1(part), 12-1-89)

12.28.035 Inspections, evaluations and classification. A. The health officer may perform random comprehensive system evaluations on any Group B water system to ascertain compliance with existing regulations and to determine the public water system's classification at no cost to the Group B water systems in the fully approved/adequate classification category.

B. The health officer may perform a comprehensive system evaluation every five (5) years of any Group B water system in the provisionally adequate classification category for the current cost of the comprehensive system evaluation fee. The health officer may perform additional comprehensive system evaluations as needed without charge to the Group B water system. The health officer shall provide a report to the Group B purveyor documenting any deficiencies found during the evaluation. The purveyor is responsible for collection and submission of required water quality monitoring samples as set forth in Sections 12.28.020 of this chapter and WAC 246-291-300, 246-291-310, 246-291-320, 246-291-330, 246-291-340, and 246-291-350.

C. The health officer may perform a comprehensive system evaluation every three (3) years of any Group B water system in the inadequate classification category for the current cost of the comprehensive system evaluation fee. The health officer may perform additional comprehensive system evaluations as needed without charge to the Group B water system. The health officer shall provide a report to the Group B purveyor documenting any deficiencies found during the evaluation. The purveyor is responsible for collection and submission of required water quality monitoring samples as set forth in Section 12.28.020 of this chapter and WAC 246-291-300.

D. The health officer may place Group B water systems in any of the following classifications; fully approved/adequate; provisionally adequate; inadequate. The assigned classification shall be based on the comprehensive system evaluation and/or the department's records on the Group B water system sampling and file information. (R&R No. 1 §9, 6-21-96)

12.28.040 Existing water system condition report. Any person, agency or company desiring a report on the condition of a water supply shall make application for such information to the department on a form provided by the department. Application for the report on such water supply shall be accompanied by a fee as specified in 2.16.020 of this code. Upon receiving such request, the health officer may perform a comprehensive system evaluation, collect a water sample for bacterial analysis, and review the water

system's records to determine that the water system has received approval and has been operated in accordance with Chapter 12.28 of this title and WAC 246-291. The health officer may provide the results of the evaluation, and other information to the applicant in a report. The evaluation shall be performed in accordance with the Department of Public Health, Environmental Health Division, Policy and Procedure #P88-08. (R&R No. 05-05 § 140, 6-17-2005; R&R No. 1 §10, 6-21-96; R&R 80 §22, 3-23-92; R&R 53 §1(part), 12-1-89)

Chapter 12.32

WATER SERVICE REQUIREMENTS

Sections:

- 12.32.010 Required connection to an existing public water supply.
- 12.32.020 Critical water supply service areas.

12.32.010 Required connection to an existing public water supply. A. The owner or occupant of lands or premises undertaking new construction or other new development for which an approved public water source shall be required must connect to an approved public water system when all of the following conditions are met:

1. Any part of the lands or premises are located within either:
 - a. The boundaries of an existing public water system as described in an approved Water Comprehensive Plan as required by King County Code 13.24; or
 - b. A service area as described by an adopted Coordinated Water System Plan for those systems which are not required to prepare a Comprehensive Plan by King County Code 13.24.
2. The public water system must meet the water quality requirements of WAC 246-290-300 through 246-290-330.
3. The purveyor of the existing public water supply is able and willing to provide service in a timely and reasonable manner, as per WAC 246-293-190, including the latest revisions or amendments thereof.

B. For pre-application approval of a subdivision, short subdivision, rezone or lot line adjustment, the health officer must receive the following information:

1. For existing public water supplies, a copy of a certificate of water availability from the purveyor of the public water supply;

2. For a proposed public water supply, a request for approval of the water source site location, a recorded copy of a declaration of covenant, restrictive covenant(s) (if applicable), waterline easements and a water-use agreement; and

3. For the use of private wells, documentation that all lots are five (5) acres or larger in size.

C. For final approval of a subdivision, short subdivision, rezone or lot line adjustment, the health officer must receive the following information:

1. For group A or B (as defined in Section 12.04.030) water systems, approved construction documents, a copy of the acknowledgment of inspection and an as-built drawing of the completed system;

2. For group A or B (not as defined in Section 12.04.030) water systems, a copy of a letter from the water utility which states that the system has been installed and approved or that a contract or bond assures completion of the system; and

3. For the use of private wells, documentation that all lots are five (5) acres or larger in size, and that the source must be developed and meet the minimum production requirements per Title 19 KCC.

D. All lots created by a subdivision, short subdivision, rezone or lot line adjustment which are less than five (5) acres in size and were created after May 18, 1972 must be served by an approved public water supply which is current in its sampling requirements. (R&R 80 §23, 3-23-92: R&R 53 §1(part), 12-1-89)

12.32.020 Critical water supply service areas. A. Development or expansion of water systems in critical water supply service areas shall be in accordance with WAC 246-293-190 and the approved coordinated water system plan for that area.

B. The declared critical water supply service areas are: Vashon/Maury Island; Skyway; South King County; and East King County. These areas boundaries are shown in Chapter 12.52. (R&R 80 §24, 3-23-92: R&R 53 §1(part), 12-1-89)

Chapter 12.36WAIVERSSections:

- 12.36.010 Conditions for a waiver.
 12.36.020 King County board of water review.

12.36.010 Conditions for a waiver. The health officer may, in his/her discretion, waive parts of this title on an individual case basis. A waiver shall be based on the following:

- A. No public health hazard will result;
- B. The safety or health of persons using the public water supply will be protected;
- C. The waiver is consistent with the intent of this title; and
- D. The waiver will not be in conflict with the requirements of WAC Chapter 246-290 and the Federal Safe Drinking Water Act. (R&R 80 §25, 3-23-92: R&R 53 §1(part), 12-1-89)

12.36.020 King County board of water review. A. Membership.

1. There is established the King County board of water review (the board). It shall consist of three members: the health officer, or designated representative; the DOH district engineer, or designated representative; and a sanitary or civil engineer knowledgeable in design of water systems appointed by the county executive. One or more sanitary and/or civil engineers shall be appointed by the county executive to serve as alternate members in the absence of the regular engineer member, or when in the judgment of the board a conflict of interest exists. The terms of the regular engineer member and alternate member shall expire on December 31st of each even-numbered year, and they may be reappointed. The engineer may be selected from industry.

2. The board shall select one member to serve as its chairman for each calendar year, and the chairman may be reelected. The chairman may designate any person to serve as secretary to the board. The board shall adopt its own rules of procedure, a copy of which shall be filed with the clerk of the county council.

3. All board members not employed by the county or the state shall be entitled to reimbursement from the department in the amount of thirty dollars per day or part of day for each meeting that member attends.

B. Public Meetings and Procedure.

1. Pursuant to this title, any person aggrieved by any decision or final order of the health officer made per-

taining to an existing or proposed water system in which that person has an interest may appeal to the board. The appeal shall be commenced by the filing of a written demand therefore, citing with particularity the order or decision appealed from and the reasons for the appeal. The fee for an appeal is specified in Section 2.16.020 of this code.

2. Appeals shall be made on forms prescribed by the health officer, and must be filed with the health officer within sixty days of receipt of the decision or order which is the subject of the appeal. Appeals shall be accompanied by any technical reports or other exhibits which the appellant wishes the board to consider.

3. The applicant shall be responsible for providing notice regarding the nature of the appeal to all owners of property within three hundred feet of the property that is the subject of the appeal. Such notification shall be made on forms provided by the health officer.

4. The board may grant waivers from the requirements of this title where there are unusual circumstances or conditions such that the strict application of the requirements would cause undue and unnecessary hardship. No waiver shall be granted which would in any way tend to jeopardize the public health and safety and welfare or in any way tend to interfere with or prejudice the rights of others to the comfortable enjoyment of life and property. No waiver shall be granted which would be contrary to the laws of the state, including WAC Chapter 246-290 as now or hereafter amended.

5. Any waiver granted by the board shall expire after two years unless the water system is installed and approved by the health officer prior to the expiration date.

6. The board may affirm or reverse, wholly or in part, or may modify any order or decision appealed to it. The reasons for its decision and any findings of fact made in support thereof must appear in the notice of the decision to the appellant and to the health officer.

7. All decisions of the board shall be final unless within twenty (20) days from the date of decision an aggrieved person obtains a writ of certiorari from King County superior court for the purpose of review of the decision. (R&R No. 05-05 § 141, 6-17-2005: R&R 80 §26, 3-23-92: R&R 53 §1(part), 12-1-89)

Chapter 12.40ENFORCEMENTSections:

12.40.010 Enforcement actions.

12.40.010 Enforcement actions. A. When any group A or B (as defined in Section 12.04.030) public water system is out of compliance with this title, the health officer may initiate appropriate enforcement actions, regardless of any prior approvals issued by DOH or the health officer. These actions may include any one (1) or combination of the following:

1. Issuance of letters instructing or requiring appropriate corrective measures;
2. Issuance of a compliance schedule for specific actions necessary to achieve compliance;
3. Issuance of orders requiring specific actions or ceasing unacceptable activities within a designated time period. In emergency situations, orders may be issued in the field requiring immediate actions be taken;
4. Issuance of orders to stop work and/or refrain from using any group A or B (as defined in Section 12.04.030) public water system or improvements thereto until all written approval required by statute or rule are obtained;
5. Imposition of civil penalties for failure to comply with health officer orders of up to five thousand dollars (\$5,000.00) per day under authority of RCW Chapter 70.119A; or
6. Request for legal action by the local prosecutor in accordance with Board of Health King County Code Chapter 1.08 (King County Board of Health rules and regulations No. 7). (R&R 80 §27, 3-23-92: R&R 53 §1(part), 12-1-89)

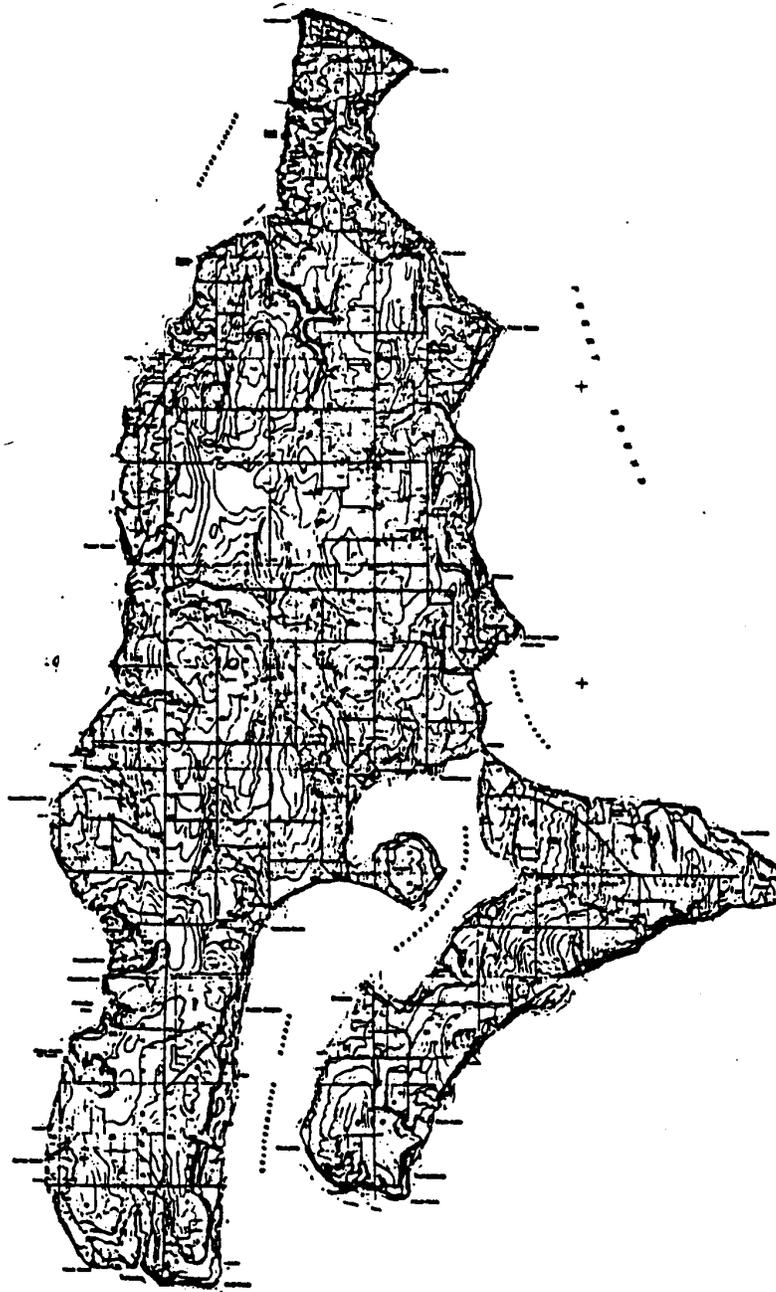
Chapter 12.44

CRITICAL WATER SUPPLY AREAS

Sections:

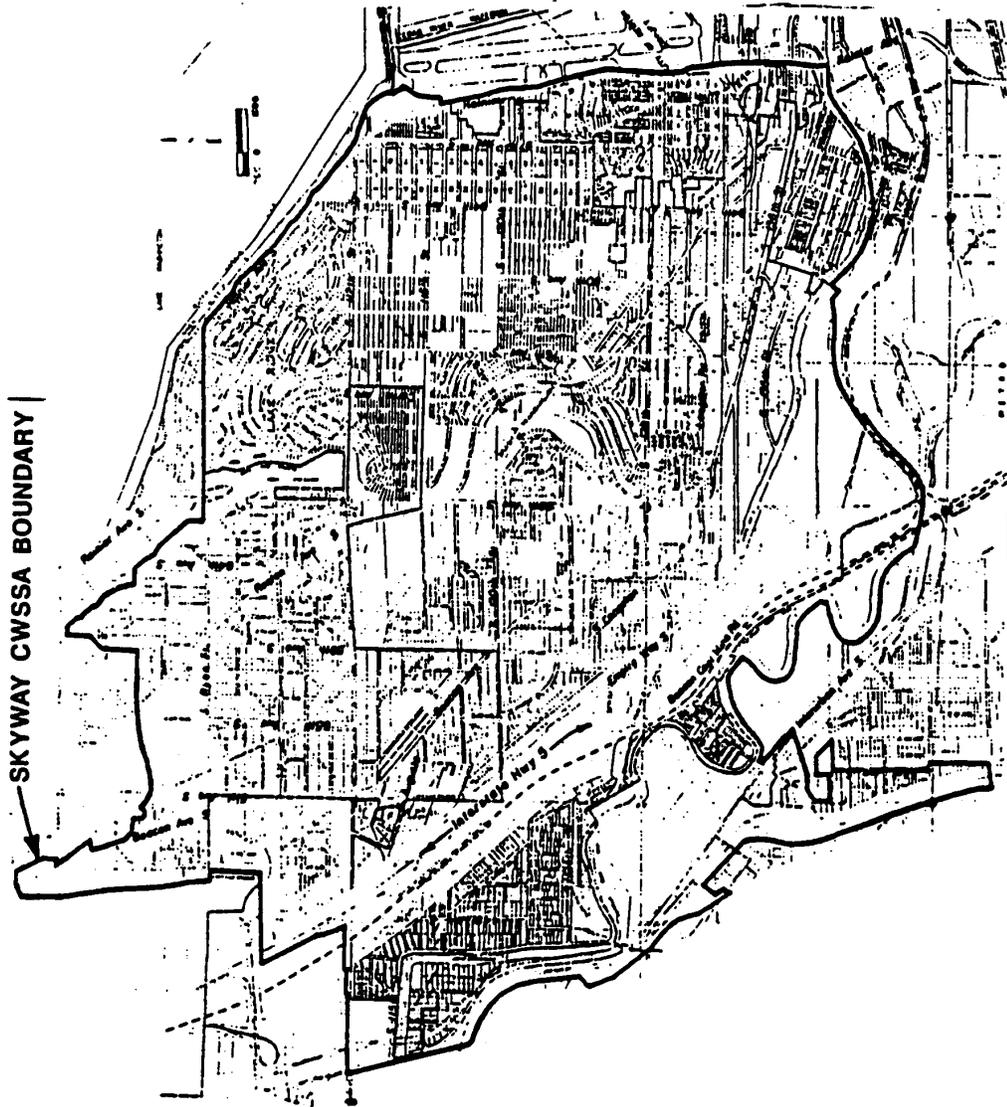
- 12.44.010 Vashon/Maury Island critical water supply area.
- 12.44.020 Skyway critical water supply area.
- 12.44.030 South King County and East King County critical water supply area.

12.44.010 Vashon/Maury Island critical water supply area.



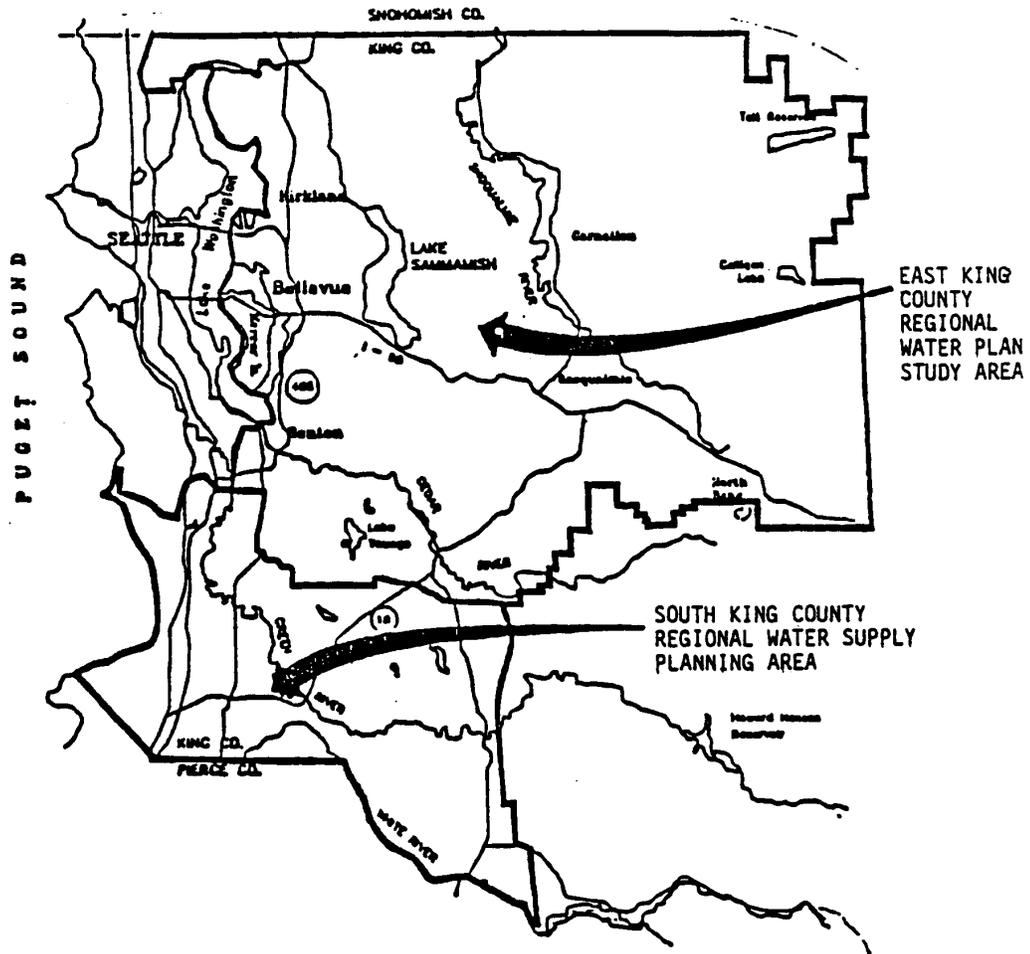
(R&R 53 §1(part), 12-1-89)

12.44.020 Skyway critical water supply area.



(R&R 53 §1(part), 12-1-89)

12.44.030 South King County and East King County
critical water supply area.



(R&R 53 §1(part), 12-1-89)

Title R12WATER*Chapters:

- R12.04 Corrosion-Prevention Chemicals in Potable Hot-Water Systems
R12.08 Polybutylene Pipe and Tubing

Chapter R12.04

CORROSION-PREVENTION CHEMICALS IN POTABLE
HOT-WATER SYSTEMS

Sections:

- R12.04.010 System design and capacity.
 R12.04.020 Location.
 R12.04.030 Chemicals.

R12.04.010 System design and capacity. A. Chemical feeding equipment shall be able to supply, at all times, accurate amounts of chemical at an accurate rate.

B. Equipment capable of providing accurate proportioning of chemical feed rate to rate of flow shall be provided.

C. Materials and surfaces subject to chemical contact shall be made of chemically resistant materials.

D. Backflow prevention shall be provided by:

1. Reduced-pressure-principle backflow-prevention device on the make-up water line to the water heater or boiler.

2. The backflow preventer shall be upstream from the chemical feeder and downstream from any cold water fixture.

3. Additional backflow-prevention devices may be required on main service lines or at other points when conditions indicate the necessity for such additional devices.

E. All openings on the equipment shall be securely covered to prevent contamination by accidental or intentional introduction of undesirable material. (HDR 13 §1, 11-5-76)

* **Editor's Note:** For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."

R12.04.020 Location. A. Chemical feeding devices shall be located in a separate room used for no other purpose, or where located in a room used for other purposes, a partitioned or wire mesh enclosure meeting American Society for Testing and Materials designation A-392 standard specification for zinc-coated steel chain-link fence fabrics, class 2, 11 gauge or heavier, securely framed and anchored with suitable material to prevent unauthorized entry, shall be provided.

1. Such room, partition or enclosure shall be kept locked.

2. All chemicals to be used shall be stored within the locked area.

3. Chemicals not used by this equipment shall not be stored within the locked area.

B. The area shall be well drained and maintained in a clean condition.

C. Equipment and stock chemicals shall be protected from condensation dripping from ceilings, overhead piping, or other sources.

D. There shall be a hose bib or sink with hot and cold running water available in the equipment room or in the immediate vicinity thereof. (HDR 13 §2, 11-5-76)

R12.04.030 Chemicals. A. Chemical containers shall be fully labeled by the manufacturer to include:

1. Chemical name or composition;

2. Concentration and/or instructions for mixing specific concentrations;

3. Clearly understood notice that the product is intended for human consumption when used as specified;

4. The manufacturer's name and address and distributor's name and address.

B. Chemicals shall be stored in covered or unopened shipping containers until transferred to an approved storage unit or mixing tank.

C. Accurate measuring devices shall be provided to ensure accurate preparation of feed solutions.

D. Suitable testing equipment shall be provided at the feeding device location to determine pH and chemical residual as well as any other tests specifically required by the director for a particular installation. Daily records of tests shall be kept and shall be available at the equipment site for review by the director and superintendent.

E. Each chemical shall be approved by the director and superintendent. Prior to use, a prerequisite to that approval may be approval by appropriate federal and state agencies as determined by the director and/or superintendent. (HDR 13 §3, 11-5-76)

Chapter R12.08

POLYBUTYLENE PIPE AND TUBING

Sections:

- R12.08.010 Use in outside cold water systems.
- R12.08.020 Recognized standards.

R12.08.010 Use in outside cold water systems. Polybutylene (PB) pipe and tubing manufactured to recognized standards may be used for cold water distribution systems outside a building in unincorporated King County. Such pipe and tubing shall be installed in accordance with the International Association of Plumbing and Mechanical Officials Installation Standard 17-1977, which is adopted by reference. (HDR 19 §1, 11-3-82)

R12.08.020 Recognized standards. Recognized standards shall include but not be limited to those of the following:

- International Association of Plumbing and Mechanical Officials
- National Sanitation Foundation
- American Water Works Association
- American National Standards Institute, Inc.
- American Society for Testing Materials.

(HDR 19 §2, 11-3-82)

**Title 13
ON-SITE SEWAGE**

Chapters:

- 13.04 General Provisions**
- 13.08 Definitions**
- 13.12 Sewage Review Committee**
- 13.16 Technical Advisory Committee**
- 13.20 Permits and Certificates**
- 13.24 Subdivision Evaluation**
- 13.28 Design**
- 13.32 Building Sewers**
- 13.36 Wastewater Tanks**
- 13.40 Pump Tanks**
- 13.44 Distribution and Inspection Boxes**
- 13.48 Drainfields (SSAS)**
- 13.52 *Alternative Methods***
- 13.56 Installation and Inspection**
- 13.60 Operation and Maintenance, Monitoring and Management**
- 13.64 Repairs and Remodeling**
- 13.68 Liquid Waste Pumping and Hauling**
- 13.74 (Reserved)**

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**Chapter 13.04
GENERAL PROVISIONS**

Sections:

- 13.04.010 Short title.
- 13.04.020 Declaration of purpose and policy.
- 13.04.030 Scope.
- 13.04.040 Applicability.
- 13.04.050 Connection to public sewer.
- 13.04.054 Abandonment.
- 13.04.058 Introduction of non-sewage compounds and industrial wastewater prohibited.
- 13.04.060 Failure prohibited.
- 13.04.070 Domestic water supply source.
- 13.04.080 Enforcement and rulemaking authority.

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13.04.010 Short title. These rules and regulations shall be known as the "Board of Health On-site Sewage Regulations" and may be so cited, and are referred to herein as "this title." (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 1, 12-19-86).

13.04.020 Declaration of purpose and policy.

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

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

C. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner or operator of premises and other persons designated by this title within its scope, and no provision of or term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of any premises to comply with the provisions of this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents. (R&R No. 08-03 § 1, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 2, 12-19-86).

13.04.030 Scope. The provisions of this title shall apply to the location, design, installation, alteration, addition, repair, relocation, replacement, maintenance, monitoring and use of all on-site sewage systems (OSS) except as specifically otherwise provided in this title. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 3, 12-19-86).

13.04.040 Applicability.

A. This title shall apply to all lots, parcels, and tracts not served by public sewers without regard to whether such lots, parcels or tracts may have been in existence prior to the effective date of this title.

B. The repair, addition to, or alteration of existing OSS shall be governed by this title.

C. The construction, installation, repair, addition or alteration of an OSS for which a valid application for an OSS permit was made under prior regulations shall be governed by the regulations existing at the time of the application; provided, that the permit conditions may be modified to include additional requirements of this title if the health officer determines that a threat to public health may otherwise result. However, this title shall apply if the permit was applied for more than two (2) years prior to the effective date of this title.

D. The Washington State Department of Ecology has authority and approval over:

1. Domestic or industrial wastewater under Chapter 173-240 WAC; and
2. Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above 3,500 gallons per day.

E. The Washington State Department of Health has authority and approval over:

1. Systems with design flows through any common point between 3,500 to 14,500 gallons per day; and

2. Any large on-site sewage system ("LOSS") for which jurisdiction has been transferred to the Department of Health under conditions of a memorandum of agreement with the Department of Ecology.

F. The health officer has authority and approval at a minimum over:

1. Systems with design flows through any common point up to 3,500 gallons per day;
2. Any large on-site sewage system ("LOSS") for which jurisdiction has been transferred by contract to the health officer from the Department of Health.

G. Where this title conflicts with Chapter 90.48 RCW, Water Pollution Control, the requirements under those statutes apply. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 4, 12-19-86).

13.04.050 Connection to public sewer.

A. The owner or occupant of lands or premises located within the Urban Growth Area, as defined in the King County Comprehensive Plan, undertaking new residential or nonresidential construction, short subdivision or subdivision from which sewage will originate shall connect the construction to a public sewer if the sewer utility permits such connection. Within unincorporated King County such connection shall be in accordance with King County Code Section 13.24.136. Within incorporated cities such connection shall be in accordance with the policies of that city or the local sewer utility. The connection shall be made by connecting the building drain with an approved side sewer, and the side sewer to the public sewer.

B. For existing development located within or outside the Urban Growth Area and which is within two hundred feet of a public sewer, where an on-site sewage system is operating, the owner shall abandon the on-site sewage system in accordance with WAC 246-272A-0300 and connect the sanitary drainage system to the public sewer when the sewer utility permits such connection and when:

1. Repair, modification or replacement of the on-site sewage system is necessary, or the existing on-site sewage system has failed and an on-site sewage system fully conforming to this title cannot be designed and installed; or
2. Additional construction which in any way affects the on-site sewage system is proposed.

C. The distances set forth in subsection B. of this section shall be calculated along the shortest route in road rights-of-way and easements, consistent with the comprehensive planning and sewer extension practices of the sewer utility involved, from the existing sewer to the nearest point of the lands or premises to be served.

D. Every plumbing fixture and every sanitary drainage system not connected to a public sewer, or not required by law to be connected to a public sewer, shall be connected to an on-site sewage system. (R&R No. 08-03 § 2, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 13 § 1, 12-19-86).

13.04.054 Abandonment.

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

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

B. Contaminated rock, sand and gravel material from repairs to failing OSS shall be properly disposed of by either burying at an appropriate location approved by the health officer or transported to an approved sanitary landfill. The process of disposal shall be supervised by a licensed master installer. (R&R No. 08-03 § 3, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.04.058 Introduction of non-sewage compounds and industrial wastewater prohibited.

Persons shall not introduce into an OSS:

- A. Strong bases, strong acids or organic solvents for the purpose of system cleaning.
- B. Any sewage system additive not specifically approved by the Washington State Department of Health.
- C. Waste components atypical of residential sewage.
- D. Industrial wastewater.
- E. Hazardous materials. (R&R No. 99-01 § 2 (part), 3-19-99).

13.04.060 Failure prohibited. An owner may not allow an on-site sewage system or component or side sewer to remain in a condition of failure as defined in BOH chapter 13.08. The owner must cause the system, component or side sewer to be repaired or replaced, or the property served by the system to be connected to public sewer, as applicable, in accordance with the requirements of this title. (R&R No. 08-03 § 4, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 13 § 2, 12-19-86).

13.04.070 Domestic water supply source. No on-site sewage system may be constructed or expanded if the plumbing fixtures draining to the system are not supplied with water from an approved source. An approved water source consists of one of the following:

A. Public water source: A public water source currently in compliance with chapter 246-290 or 246-291 WAC and BOH Title 12.

B. Private individual well source: A private well on a lot five acres or greater in size or a lot created prior to May 18, 1972, which complies with all of the following conditions:

1. Source location approval: Any proposed new or replacement individual private well location shall be submitted to the health officer and receive approval prior to construction of the water source.

a. All private water system development in the urban growth area or in the rural area as defined by the King County Comprehensive Plan is subject to the provisions of King County Code Sections 13.24.140 and 13.24.138, respectively.

b. Proposed new initial water source locations shall be accurately specified upon an OSS site design application and shall be submitted for review by the health officer in conjunction with evaluation of the proposed OSS design. If the protective well radius is within ten feet of any lot line, easement line or any source of contamination, the health officer may require the well site to be surveyed.

c. Application for replacement water source locations shall be made on forms obtained from the health officer and shall be accompanied by a review fee as specified in the fee [schedule].

d. The new or replacement well location shall be clearly identified at the site.

e. Information shall be provided as part of the source location application to include, at minimum, a completely dimensioned plot plan, drawn to a scale not smaller than one inch equals one hundred feet accurately showing the location of the proposed water source relative to property boundary lines, existing and proposed OSS components including OSS reserve area, existing and proposed structures, roads and driveways, surface water, direction of surface drainage, a designated source protection sanitary control area and any other features relevant to the siting of a water source location.

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

2. Source protection covenant: The property owner shall establish a source protection sanitary control area by providing a recorded protective covenant prohibiting, within a horizontal distance of not less than one hundred feet of the well, potential sources of contamination as described in BOH 12.24.010 and WAC 173-160-171.

3. Demonstrate adequate water quantity by:

a. Drilling, in known or suspected areas of low production, the well and conducting a four hour pump test that demonstrates that the proposed source well is capable of providing water to a residential dwelling in the amount of not less than four hundred gallons per day. This pump test may be required to be performed during the months of August, September or October at the health officer's discretion; or

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

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

a. At least one bacteriological analysis from the source water which does not exceed the maximum contaminant level prescribed in WAC 246-291-320; and

b. At least one chemical test for nitrate and arsenic from the source water described in table 1, WAC 246-291-330, which does not exceed the maximum contaminant level per WAC 246-291-330.

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

6. Construction of the well must meet Washington state Department of Ecology's construction standards as per requirements of WAC chapter 173-160.

C. A private spring on a lot five acres or greater or a lot created prior to May 18, 1972, that complies with all of the following conditions prior to application for OSS site design approval:

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

2. The application shall include: a recorded protective covenant of no less than two hundred feet up slope and one hundred feet down slope from the spring prohibiting any potential sources of contamination as described in BOH Section 13.04.070 B.2., a spring location plot plan, a detailed spring construction plan, and information demonstrating acceptable water quality and quantity as specified in BOH 12.20.040 and chapter 246-291 WAC.

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

D. Lot area designated in whole or in part as a critical area may be included in the computation of the minimum five-acre lot size required by this section. (R&R No. 08-03 § 5, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 13 § 3, 12-19-86).

13.04.080 Enforcement and rulemaking authority. Except as specifically otherwise provided in this title, the health officer shall have the authority to enforce the provisions of this title in accordance with BOH chapter 1.08. The health officer is also authorized to adopt rules consistent with this title for the purpose of enforcing and carrying out this title. (R&R No. 08-03 § 6, 2008).

**Chapter 13.08
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13.08.460	Single-family dwelling.
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13.08.470	Soil log.
13.08.472	Soil type.
13.08.477	Strong structure.
13.08.480	Subdivision.
13.08.482	Subsurface drip system (SDS).
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13.08.490	Surface water.
13.08.491	Timed dosing.
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13.08.4934	Treatment level.
13.08.4937	Treatment sequence.
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13.08.500	Vertical separation.
13.08.505	Very gravelly
13.08.510	Waived.
13.08.520	Well.
13.08.512	Water table.
13.08.516	Watertight.
13.08.520	Well.

BLANK

13.08.010 General. Words and phrases in this title, unless otherwise clearly indicated by their context, shall have the meaning set out in this chapter. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.018 Abbreviations.

- A. "ASTM" means American Society of Testing Materials.
- B. "ATU" means Aerobic Treatment Unit.
- C. "BOD₅" means biochemical oxygen demand, typically expressed in mg/L.
- D. "CBOD₅" means carbonaceous biochemical oxygen demand, typically expressed in mg/L. For purposes of approximate conversion from BOD₅ to CBOD₅, multiply the BOD₅ by 0.83.
- E. "CEU" means continuing education unit.
- F. "DDES" means King County department of development and environmental services.
- G. "DOH" means the Washington state Department of Health.
- I. "mg/L" means milligrams per liter.
- J. "NSF" means National Sanitation Foundation International.
- K. "O and G," means oil and grease, a component of sewage typically originating from foodstuffs, which are animal fats or vegetable oils, or consisting of compounds of alcohol or glycerol with fatty acids, which are soaps and lotions. The quantity of O and G is typically expressed in mg/L.
- L. "TN" means total nitrogen, typically expressed in mg/L.
- M. "TSS" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.
- N. ">" means greater than.
- O. "<" means less than.
- P. "OSM" means certified on-site system maintainer. (R&R No. 08-03 § 7, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.08.020 Accessory living quarters.

"Accessory living quarters" means living quarters within an accessory building for the sole use of the family or persons employed on the premises or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.024 Additive.

"Additive" means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of the on-site sewage system. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.040 Approved. "Approved" means a written statement of acceptability, in terms of the requirements of this title, issued by the health officer and where required, by the Washington State Department of Health. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.050 Associate installer. "Associate installer" means a qualified person approved by the health officer to construct or repair on-site sewage systems and/or directly supervise work crews constructing or repairing on-site sewage systems and who must be under the general supervision of a certificated master installer. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.055 Bed. "Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet. (R&R No. 08-03 § 12, 2008).

13.08.060 Building drain. "Building drain" means that part of a building drainage system which receives the discharge from waste pipes inside the walls of the building and conveys it to the building sewer beginning two feet (2') outside the building walls. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.070 Building sewer. "Building sewer" means the sewage piping system designed to conduct sewage from the building drain to a point of connection to an on-site sewage system. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.072 Cesspool. "Cesspool" means a pit or receptacle which receives untreated sewage and allows the liquid to seep into the surrounding soil or rock. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.080 Community on-site system. "Community on-site system" means any on-site sewage system utilizing subsurface disposal and which:

A. Serves two (2) or more single-family dwellings that are under separate ownership or that are located on separate lots; or

B. Serves two (2) or more commercial facilities that are under separate ownership or that are located on separate lots. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.082 Commercial system. "Commercial system" means an on-site sewage system serving a development other than or in addition to a single-family residence. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.084 Conforming system. "Conforming system" means any on-site sewage system meeting any of the following criteria:

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

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

C. Systems or repairs permitted through the waiver process of WAC 246-272A-0420 or this title and that assure public health protection by higher treatment performance or other methods. (R&R No. 08-03 § 13, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.08.085 Continuing Education Unit (CEU). "Continuing education unit" (or "CEU") means eight (8) contact hours of participation annually in an organized educational experience, under responsible sponsorship, capable direction and qualified instruction acceptable to the health officer pertaining to on-site sewage treatment and disposal. (R&R No. 99-01 § 2 (part), 3-19-99).

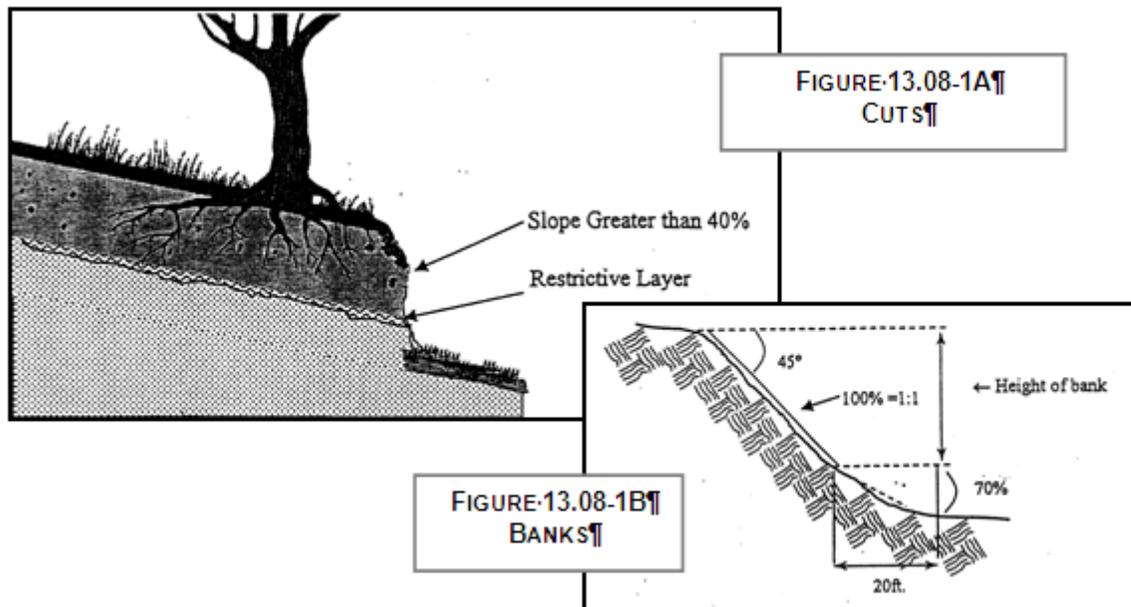
13.08.089 Covenant. "Covenant" means an agreement filed with the King County records and elections division which shall run with the land, stating certain activities and/or practices are required or prohibited. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.090 Cover. "Cover" means soil material that is used to cover a subsurface soil absorption system area composed predominately of mineral with no greater than ten percent organic content. "Cover" material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion. (R&R No. 08-03 § 13, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.095 Critical aquifer recharge area. "Critical aquifer recharge area" means a critical area designated by the county or a city under the Washington state Growth Management Act, Chapter 36.70A RCW, as having a critical recharging effect on aquifers used for potable water. (R&R No. 08-03 § 18, 2008).

13.08.097 Critical areas. "Critical areas" means areas designated as critical areas under the Washington state Growth Management Act, chapter 36.70A RCW, including the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas. (R&R No. 08-03 § 19, 2008).

13.08.100 Cuts and/or banks. A "cut" means any artificially formed slope whose cut face exposes a restrictive soil layer or any artificially formed slope greater than one-hundred percent (100%). A "bank" is any naturally occurring slope which, when measured vertically downward from a horizontal line through the crest, will produce a slope equal to or greater than one hundred percent (100%), and measured down to a point where the slope changes to not more than seventy percent (70%) for a horizontal distance of at least twenty feet (20'). A cut and a bank are illustrated in Figures 13.08-1A and 13.08-1B.



(R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.110 Department. "Department" means the Seattle-King County department of public health. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.111 Department of Ecology. "Department of Ecology" means the Washington state Department of Ecology. (R&R No. 08-03 § 20, 2008).

13.08.112 Department of Health. "Department of Health" means the Washington State Department of Health. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.113 Design control point. "Design control point" means a designated point of reference selected or installed on a site by the designer from which measurements and elevations are taken to establish relative locations of on-site sewage system components and relate design document locations to actual site locations. May also be referred to as a benchmark. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.114 Designer. "Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology and who holds either an on-site sewage treatment system designers license under chapter 18.210 RCW or is a professional engineer licensed under chapter 18.43 RCW. (R&R No. 08-03 § 22, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.08.115 Design flow. "Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow. An OSS is not meant to operate continuously at this capacity. (R&R No. 08-03 § 21, 2008).

13.08.116 Development. "Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.117 Disinfection. "Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination or ozonation. (R&R No. 08-03 § 23, 2008).

13.08.120 Dosing systems. "Dosing systems" means on-site sewage systems using a pump or siphon to transport, control flow and/or delivery volume of effluent to the final treatment and soil dispersal component. (R&R No. 08-03 § 25, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.130 Drainfield. "Drainfield" means a subsurface soil absorption system or other soil dispersal component designed and installed to release effluent from a treatment component into the soil for dispersal, final treatment and recycling. (R&R No. 08-03 § 26, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.131 Drainrock. "Drainrock" means clean washed gravel ranging in size from three-quarters to two and one half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve. (R&R No. 08-03 § 27, 2008).

13.08.132 Effluent. "Effluent" means liquid discharged from a septic tank or other OSS component. (R&R No. 08-03 § 28, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.134 Engineer. "Engineer" means a person who is licensed and in good standing under Chapter 18.43 RCW as a civil, sanitary or agricultural engineer. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.140 Excessively permeable soils. "Excessively permeable soils" means soils with a soil texture type 1 or other textures as defined by the United States Department of Agriculture standards and where conditions are such that the treatment potential is ineffective in retaining or removing substances of public health significance to underground sources of drinking water and soils with a percolation rate of one and one-half minutes per inch or faster. (R&R No. 08-03 § 29, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.141 Expanding clay. "Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, that causes the clay particles to expand when they absorb water, closing the soil pores and contract when they dry out. (R&R No. 08-03 § 30, 2008).

13.08.142 Expansion. "Expansion" means a change in a residence, facility, site, or use that:

A. Causes an on-site sewage system to be loaded in excess of its existing treatment or disposal capability or be used beyond its anticipated useful life, such as but not necessarily limited to when a building's occupancy potential is increased, or an increase in number of bedrooms, and/or the life expectancy of a building is extended by being rebuilt, renovated or remodeled; or, there is a change in use, for example, from a residence to a commercial use or to a special use such as a daycare facility.

B. Reduces the treatment or disposal capability of an existing on-site sewage system or the reserve area, such as, but not necessarily limited to, when a building addition is placed over or directly downslope from OSS components including reserve area. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.151 Extremely gravelly. "Extremely gravelly" means soil with sixty percent or more, but less than ninety percent, rock fragments by volume. (R&R No. 08-03 § 32, 2008).

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

- A. Sewage, septage or effluent on the surface of the ground;
- B. Sewage, septage or effluent backing up into a structure caused by slow soil absorption of septic tank effluent;
- C. Sewage, septage or effluent leaking from a septic tank, pump chamber, holding tank, conveyance or collection system;
- D. Cesspools, seepage pits and pit privies;
- E. Inadequately treated effluent contaminating ground water or surface water; and
- F. Failure to meet conditions stipulated on the permit. (R&R No. 08-03 § 33, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.154 Fecal coliform. "Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection, and are generally expressed as colonies per one hundred milliliters. (R&R No. 08-03 § 34, 2008).

13.08.157 Fee schedule. "Fee schedule" means the fee schedule in BOH chapter 2.18. (R&R No. 08-03 § 35, 2008).

13.08.160 Fill. "Fill" means soil materials that have been displaced from their original location or condition except for sand which is being used in the construction of a mound or sand filter. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.164 Five (5) acres. "Five (5) acres" means 217,800 square feet or one one-hundred twenty-eighth (1/128th) of the section in which the property is located, including in addition, up to thirty (30) feet, but no more than one-half of the width of the right-of-way of any perimeter street. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.170 Food establishment. "Food establishment" means, for the purpose of this title, any commercial establishment in which food is processed or otherwise prepared, packaged, or repackaged into another container for consumption or for resale. (R&R No. 08-03 § 36, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.175 Gravelly. "Gravelly" means soil with fifteen percent or more, but less than thirty five percent rock fragments by volume. (R&R No. 08-03 § 37, 2008).

13.08.177 Conventional gravity system. "Conventional gravity system" means an on-site sewage system consisting of a septic tank and subsurface soil absorption system with gravity conveyance and distribution of the effluent and excluding any alternative system components. (R&R No. 08-03 § 15, 2008: R&R No. 08-03 § 14, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.180 Greywater. "Greywater" means sewage having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, bathtubs, dishwashers and laundry fixtures, but does not include toilet or urinal waters. (R&R No. 08-03 § 38, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.190 Groundwater. "Groundwater" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides (the top surface of which is commonly referred to as the water table). Indications of groundwater may include:

- A. Water seeping into or standing in an open excavation from the soil surrounding the excavation.

B. Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of groundwater and is the result of intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. (See also Section 13.08.512, Water table.) (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.200 Health officer. "Health officer" means the director of the Seattle-King County department of public health or his/her authorized representative. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.202 Holding tank sewage system. "Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper or hauler, and the off-site treatment and disposal of the sewage generated. (R&R No. 08-03 § 39, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.205 Hydraulic loading rate. "Hydraulic loading rate" means the amount of effluent applied to a given treatment step, expressed as gallons per square foot per day. (R&R No. 08-03 § 40, 2008).

13.08.210 Impermeable. "Impermeable" means a soil horizon having a percolation rate exceeding fifty-nine (59) minutes per inch. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.212 Industrial wastewater. "Industrial wastewater" means the water or liquid-carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as animal boarding kennels, feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.213 Infiltrative surface. "Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media. (R&R No. 08-03 § 41, 2008).

13.08.214 Installer. "Installer" means a qualified person approved by the health officer to install or repair on-site sewage systems or components. (R&R No. 08-03 § 42, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.218 Kitchen or kitchen facility. "Kitchen" or "kitchen facility" means an area within a building intended for the preparation and storage of food and containing a sink. (R&R No. 08-03 § 43, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.220 Large on-site system. "Large on-site system" (or "LOSS") means any on-site sewage system with design flows, at any common point, greater than three thousand five hundred gallons per day. (R&R No. 08-03 § 44, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.226 Limited repair. "Limited repair" means the replacement, addition or alteration of a broken or malfunctioning building sewer pipe, sewage tank lid, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks and drainfield inspection boxes and ports where the subsurface soil absorption system is not failing. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.240 Lot size. "Lot size" means the lot area which is bounded by the property lines of that lot. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.245 Maintenance. "Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed and approved. (R&R No. 08-03 § 45, 2008).

13.08.250 Management. "Management" means any person who forms and operates an on-site waste management system for the purposes of and under the provisions of Chapter 13.60 of this title, or the heirs, successors or assigns of such person. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.254 Marine recovery area. "Marine recovery area" means an area of definite boundaries where, in accordance with chapter 70.118A RCW, the health officer or the Washington state Department of Health in consultation with the health officer, determines that additional requirements for existing on-site sewage disposal systems may be necessary to reduce potential failing systems or minimize negative impacts of on-site sewage disposal systems. (R&R No. 08-03 § 46, 2008).

13.08.257 Massive structure. "Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind. (R&R No. 08-03 § 47, 2008).

13.08.260 Master installer. "Master installer" means a qualified person approved by the health officer to obtain on-site sewage system installation, modification and repair permits and is responsible for all construction done under those permits. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.261 Moderate structure. "Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds and material that is not in peds. (R&R No. 08-03 § 49, 2008).

13.08.263 Monitoring. "Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities. (R&R No. 08-03 § 50, 2008).

13.08.265 Neighboring well. "Neighboring well" means an existing well on a parcel adjoining or within one-quarter mile of the boundary line of a separate parcel on which a new well is proposed for construction. (R&R No. 08-03 § 51, 2008).

13.08.267 Nonconforming. "Nonconforming" means an on-site sewage system that does not meet applicable standards for new construction of an on-site sewage system. (R&R No. 08-03 § 52, 2008).

13.08.270 One (1) acre. "One (1) acre" means property having an area size of forty-three thousand five hundred sixty (43,560) square feet. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.280 On-site sewage system (OSS). "On-site sewage system" (or "OSS") means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. (R&R No. 08-03 § 53, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.284 On-site system maintainer. "On-site system maintainer" (or "OSM") means a qualified person approved by the health officer to conduct performance monitoring inspections of, diagnose causes of malfunction and failure of, or perform preventive maintenance on and make limited repairs to on-site sewage systems. (R&R No. 08-03 § 54, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.287 Operating capacity. "Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring. (R&R No. 08-03 § 55, 2008).

13.08.290 Ordinary high-water mark. "Ordinary high-water mark" means the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this title, or as it may naturally change thereafter. The following definitions apply where the ordinary high water mark cannot be found:

A. The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

B. The ordinary high-water mark adjoining freshwater is the line of mean high water. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.300 Original permeable soil. "Original permeable soil" means the naturally occurring soil of soil texture types 1 through 5 overlying any impermeable layer, any cemented layer overlying the groundwater table, or the elevation of groundwater during the wet season, with a percolation rate not greater than fifty-nine (59) minutes per inch. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.305 Ped. "Ped" means: a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes. (R&R No. 08-03 § 56, 2008).

13.08.310 Percolation test. "Percolation test" means a soil test performed at the depth of the bottom of a proposed subsurface soil absorption system to estimate the water absorption capability of the soil. The test is performed in accordance with the Design Manual: On-Site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980. The results are normally expressed as the rate in minutes at which one inch (1") of water is absorbed (minutes per inch). (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.320 Person. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.321 Pit privy. "Pit privy" means a pit into which untreated sewage is directly deposited allowing the liquid to seep into the surrounding soil or rock. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.3215 Platy structure. "Platy structure" means: soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water. (R&R No. 08-03 § 57, 2008).

13.08.322 Pressure distribution. "Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a subsurface soil absorption system, as described in the Department of Health's Recommended Standards and Guidelines for Pressure Distribution Systems, 2001. A subsurface drip system may be used wherever this title requires pressure distribution (R&R No. 08-03 § 58, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.324 Proprietary product. "Proprietary product" means a sewage treatment and distribution technology, method or material subject to a patent or trademark. (R&R No. 08-03 § 59, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.327 Public domain technology. "Public domain technology" means: a sewage treatment and distribution technology, method, or material not subject to patent or trademark. (R&R No. 08-03 § 60, 2008).

13.08.330 Public sewer system. "Public sewer system" means a sewerage system:

A. Owned or operated by a city, town, municipal corporation, county, or other approved ownership; consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

B. Approved by or under permit from the department of ecology, the department of health and/or the local health officer. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.340 Pump lines. "Pump lines" means the piping system designed to transport effluent by use of a pump or siphon to a sewage tank, a distribution or inspection box or to a pressurized effluent distribution network. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.341 Pump tank. "Pump tank" means a watertight receptacle receiving the discharge of effluent from a septic tank and which contains a pump or siphon which doses the effluent into another OSS component. May also be called a dosing tank. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.342 Pumper. "Pumper" means a qualified person approved by the health officer and holding a certificate(s) of competency pursuant to Chapter 13.68 of this title, to perform one or more of the following activities: May also be referred to as a "sludgehauler."

A. OSS pumper removes sewage and/or septage from sewage holding tanks, portable toilet units and OSS wastewater tanks and transports the contents to an approved disposal site.

B. Portable toilet pumper removes sewage from only portable/chemical toilet units and transports the contents to an approved disposal site.

C. Vessel (boat) sewage tank pumper removes sewage from holding tanks on vessels (boats) and transports the contents to an approved disposal site.

D. Grease trap/interceptor pumper removes animal and vegetable fats, oils and greases from grease traps and/or grease interceptor tanks and transports the contents to a recycling or approved disposal site. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.346 Record drawing. "Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate and maintain that system. (R&R No. 08-03 § 61, 2008).

13.08.348 Registered list. "Registered list" means the list of registered on-site treatment and distribution products as established in chapter 246-272A WAC On-site Sewage Systems, updated periodically and maintained by the Washington state Department of Health and containing the following:

A. Categories of treatment product and treatment levels;

B. List of manufacturers of registered proprietary on-site products;

C. List of registered on-site treatment and distribution products;

D. List of specific systems meeting treatment levels A, B, C, D, E and N;

E. List of septic tanks, pump chambers, and holding tanks approved by the Washington state Department of Health; and

F. List of Approved On-site Sewage Tanks. (R&R No. 08-03 § 62, 2008).

13.08.350 Repair. "Repair" means the replacement, reconstruction or relocation of, or addition or alteration to, a sewage tank, distribution box, tight line, or other appurtenances of an existing OSS, and including any replacement, reconstruction or relocation of, or addition or alteration to a soil absorption system. (R&R No. 08-03 § 63, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.360 Reserve area. "Reserve area" means an area of land approved for the installation of a conforming OSS that is protected and maintained for replacement of the OSS upon its failure. (R&R No. 08-03 § 64, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.370 Resident owner. "Resident owner" means a person who own and occupies a single-family dwelling. (R&R No. 08-03 § 65, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.372 Residential sewage. "Residential sewage" means sewage having the consistency and strength typical of wastewater from domestic households. See Table 13.08-1 for residential sewage strength parameters.

Table 13.08-1
Residential Sewage Strength Parameters

Parameter	Septic Tank Effluent Range (mg/L)
BOD ₅	130-230
CBOD ₅	Approximately 108-191
TSS	49-150
O and G	10-25

(R&R No. 08-03 § 66, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.08.380 Restrictive layer. "Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots. Examples of such layers or conditions are groundwater tables, hardpans, claypans, fragipans, compacted soil, bedrock, caliche and clayey soil. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.390 Seasonal water. "Seasonal water" means any body of water not classified as surface water, which either flows or is contained in natural or artificial depressions for more than forty-eight (48) continuous hours. Also included in this definition are all wetland areas as defined in King County Code Chapter 21A.24 which are not classified as surface water. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.400 Secretary. "Secretary" means the Secretary of the Washington state Department of Health or the secretary's authorized representative. (R&R No. 08-03 § 67, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.402 Seepage pit. "Seepage pit" means an excavation more than three feet (3') deep where the sidewall of the excavation is designed to dispose of effluent. Seepage pits may also be called "dry wells". (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.406 Septage. "Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from septic tanks, pump chambers, holding tanks, and other OSS components. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.410 Septic tank. "Septic tank" means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.420 Sewage. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, and includes any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places. For the purposes of these regulations, "sewage" is generally synonymous with domestic wastewater. (R&R No. 08-03 § 68, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.424 Sewage quality. "Sewage quality" means contents in sewage that include:

- A. CBOD₅, TSS and O and G;
- B. Other parameters that can adversely affect treatment, including but not limited to pH, temperature and dissolved oxygen; and
- C. Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen. (R&R No. 08-03 § 69, 2008).

13.08.426 Sewage tanks. "Sewage tanks" means prefabricated or cast-in-place septic tanks, pump tank/dosing chambers, holding tanks, grease interceptors, recirculating filter tanks and any other tanks as they relate to on-site wastewater systems, including tanks for use with proprietary devices. May also be referred to as "on-site wastewater system tanks." (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.430 Sewer utility. "Sewer utility" means the owner and/or operator of a public sewer system. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86)

13.08.450 Side sewer. "Side sewer" means the sewage piping system designed to conduct sewage from a building or other source of sewage located on any premises to a point of connection to a public sewer. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.460 Single-family dwelling. "Single-family dwelling" means a detached building designed exclusively for occupancy of one (1) family. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.465 Soil dispersal component. "Soil dispersal component" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling. (R&R No. 08-03 § 72, 2008).

13.08.470 Soil log. "Soil log" means a detailed description of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, extent of disturbance or any other characteristics providing information as to the soil's capacity to act as an acceptable treatment and disposal medium for sewage. (R&R No. 08-03 § 71, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.472 Soil type. "Soil type" means one of seven numerical classifications of fine earth particles and coarse fragments as described in WAC 246-272A-0220(2)(e). (R&R No. 08-03 § 73, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.08.477 Strong structure. "Strong structure" means peds that are distinct in undisturbed soil, having the characteristic of separating cleanly when soil is disturbed, resulting in soil material separating mainly into whole peds when removed. (R&R No. 08-03 § 74, 2008).

13.08.480 Subdivision. "Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments and mobile home parks. (R&R No. 08-03 § 75, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.482 Subsurface drip system (SDS). "Subsurface drip system" (or "SDS") means an efficient high pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called "dripline") as described in DOH's "Recommended Standards and Guidance for Subsurface Drip Systems." (R&R No. 08-03 § 76, 2008).

13.08.484 Subsurface soil absorption system (SSAS). "Subsurface soil absorption system" (or "SSAS") means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this title, with either gravity or pressure distribution of the treatment component effluent.. (R&R No. 08-03 § 77, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

13.08.490 Surface water. "Surface water" means any body of water, whether fresh or marine, which either flows or is contained in natural or artificial depressions or drainage course and contains water for forty-eight (48) continuous hours during any of the months of May through October, or is identified by King County department of natural resources as a significant drainage feature. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, swamps, marshes, tidal water and wetlands. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.491 Timed dosing. "Timed dosing" means the delivery of discrete volumes of sewage at prescribed time intervals controlled by a timer device specifically designed for wastewater systems. (R&R No. 08-03 § 78, 2008).

13.08.493 Treatment component. "Treatment component" means a technology that treats sewage in preparation for further treatment or dispersal, or both, into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components. (R&R No. 08-03 § 79, 2008).

13.08.4934 Treatment level. "Treatment level" means one of six levels, which are A, B, C, D, E and N, used to match site conditions of vertical separation and soil type with treatment components. They are not intended to be applied as field compliance standards. The following chart provides values for each treatment level so that the relationship between the different levels can be understood.

Level	Parameters				
	CBOD ₅ (mg/L)	TSS (mg/L)	O and G (mg/L)	FC (#/100 ml)	TN (mg/L)
A	10	10	----	200	----
B	15	15	----	1,000	----
C	25	30	----	50,000	----
D	25	30	----	----	----
E	125	80	20	----	----
N	----	----	----	----	20

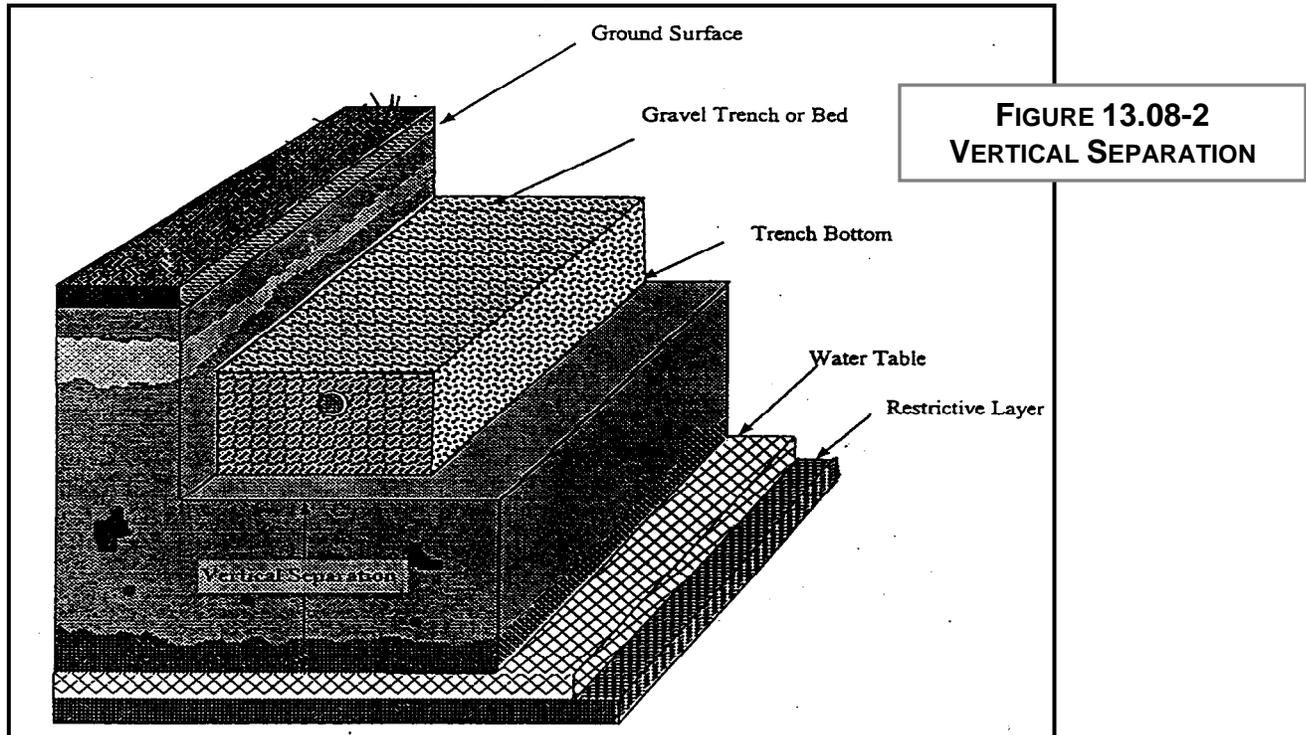
(R&R No. 08-03 § 80, 2008).

13.08.4937 Treatment sequence. "Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component. (R&R No. 08-03 § 81, 2008).

13.08.496 Unit volume of sewage. "Unit volume of sewage" means:

- A. Flow from a single-family residence with not more than three bedrooms;
- B. Flow from a mobile home site in a mobile home park; or
- C. Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park. (R&R No. 08-03 § 85, 2008: R&R No. 99-01 § 2, (part), 3-19-99).

13.08.500 Vertical separation. "Vertical separation" means the depth of unsaturated original, undisturbed soil of soil types 1 through 6 that exists between the bottom infiltrative surface of a soil dispersal component and a restrictive layer, highest seasonal water table or soil type 7.



(R&R No. 08-03 § 86, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.505 Very gravelly. "Very gravelly" means soil containing thirty five percent or more, but less than sixty percent rock fragments by volume. (R&R No. 08-03 § 87, 2008).

13.08.510 Waived. "Waived" means waived in writing by the health officer, and where required, by the secretary. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 1 § 5 (part), 12-19-86).

13.08.512 Water table. "Water table" means the upper surface of the groundwater, whether permanent or seasonal. (See also Section 13.08.190, Groundwater.) (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.516 Watertight. "Watertight" means assembled or constructed prohibiting the entrance or escape of liquids except through inlets, outlets, intercompartmental wall fittings or baffles. (R&R No. 99-01 § 2 (part), 3-19-99).

13.08.520 Well. "Well" means an excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic or commercial use. Excluded are:

- A. A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- B. An observation or monitoring well used to measure the effect of an OSS on a water table; and
- C. An interceptor or curtain drain constructed to lower a water table. (R&R No. 08-03 § 88, 2008).

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Chapter 13.12
SEWAGE REVIEW COMMITTEE

Sections:

- 13.12.010 Membership--Appointment--Term.
- 13.12.020 Membership--Officers.
- 13.12.030 Public meetings--Procedure.
- 13.12.040 Appeal for reconsideration--Commencement.
- 13.12.050 Appeal for reconsideration--Filing.
- 13.12.060 Appeal for reconsideration--Notice to neighboring property owners.
- 13.12.070 Appeal for reconsideration--Recommendation of committee--Decision.
- 13.12.080 Appeal for reconsideration--Grant of variance.
- 13.12.090 Appeal for reconsideration--Variance expiration.
- 13.12.100 Appeal for reconsideration--Judicial review.

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13.12.010 Membership--Appointment--Term. There is hereby established the King County sewage review committee (the "committee"). It shall consist of three (3) members with knowledge and experience in on-site sewage treatment and disposal and public health: a designated representative of the health officer and two (2) appointed members who are registered sanitarians or sanitary, agricultural or civil engineers. The two (2) appointed members of the committee shall be appointed by the director of the Seattle-King County department of public health or his or her duly authorized representative (the director). One (1) or more sanitarians or sanitary, agricultural and/or civil engineers shall be appointed by the director to serve as alternate members in the absence of any member, or when in the judgment of the committee a conflict of interest exists. Unless otherwise specified by the health officer, the terms of the two (2) appointed members and the alternate member(s) shall be for a term of three (3) years ending December thirty-first of the third year of such term, subject to reappointment. The registered sanitarian or engineer members may be selected from industry. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 1(A), 12-19-86).

13.12.020 Membership--Officers. The committee shall select one (1) member to serve as its chair for each calendar year, and the chair may be re-elected. The chair may designate any person to serve as secretary to the committee. The committee shall adopt its own rules of procedure. Appointed members shall serve without compensation. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 1(B), 12-19-86).

13.12.030 Public meetings--Procedure.

A. Meetings shall be held on the call of the health officer, and shall be held with sufficient frequency that no more than forty (40) days shall elapse from the time an appeal for reconsideration is commenced until a recommendation is returned to the health officer by the committee, except that if a continuance is granted at the request of an appellant the committee shall return its recommendation within a reasonable time. The filing of any technical report or other exhibit subsequent to the commencement of an appeal shall be deemed a request for a continuance.

B. The committee may make recommendations to the health officer concerning the health officer's decision or determination that is the subject of the appeal for reconsideration acting in an advisory capacity only.

C. Notice of all meetings of the committee shall be given not less than three (3) days prior thereto to any appellant and to any other person which had previously made known a desire to affect the disposition of the order or decision of the health officer which is the subject of the appeal for reconsideration.

D. All meetings of the committee shall be open to the public. Verbal testimony may be given to the committee during the meeting. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 2, 12-19-86).

13.12.040 Appeal for reconsideration--Commencement. Any person aggrieved by any decision or order of the health officer made pursuant to this title concerning an OSS-related application pertaining to land in which that person has an interest, may appeal to the health officer for reconsideration of such decision or order. The appeal shall be commenced by the filing of a written application in the manner specified in this title, and shall be accompanied by a fee as set forth in the fee schedule. Upon receiving an appeal for reconsideration, the health officer may call for one or more meetings of the committee to review and make recommendations concerning the appeal. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 97-06 § 1, 12-19-97: R&R No. 98 § 1, 12-14-93: R&R No. 77 § 1, 12-11-91: R&R No. 3 Part 10 § 3(A), 12-19-86).

13.12.050 Appeal for reconsideration--Filing. The appeal for reconsideration shall be in writing, submitted on one or more forms prescribed by the health officer, and shall be filed with the health officer not later than 5:00 p.m. of the sixtieth (60th) calendar day following the date of the decision or order that is the subject of the appeal. The appeal shall cite with particularity the decision or order appealed from, and shall contain a statement of the reason for the appeal and what relief is sought. The appeal shall be accompanied by any technical reports or other exhibits, prepared at the appellant's own expense, which the appellant wishes the committee and the health officer to consider. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 3(B), 12-19-86).

13.12.060 Appeal for reconsideration--Notice to neighboring property owners. The appellant shall be responsible for providing, at his or her own expense, notice regarding the nature of the appeal to all owners of property within three hundred (300) feet of the property that is the subject of the appeal or to the nearest fifteen property owners, whichever is greater. Such notification shall be made on forms provided by the health officer. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 3(C), 12-19-86).

13.12.070 Appeal for reconsideration--Recommendation of committee--Decision. Not later than sixty (60) days after an appeal for reconsideration is filed, the health officer shall issue to the appellant and to the committee his or her written decision on such appeal, except that if a continuance is granted at the request of an appellant the health officer shall issue his or her decision within a reasonable time. The health officer may affirm or reverse, wholly or in part, or may modify any order or decision that is the subject of an appeal for reconsideration. In determining whether to grant or deny a variance or other relief sought by the appellant, the health officer may adopt or reject wholly or in part the recommendation of the committee. The reasons for the health officer's decision and any findings of fact made in support thereof must appear in the notice of the decision. (R&R No. 99-01 § 2 (part), 3-19-99).

13.12.080 Appeal for reconsideration--Grant of variance. The health officer may grant variances from the requirements of this title where there are unusual circumstances or conditions such that the application of the requirements would cause undue and unnecessary hardship. No variance shall be granted which would in any way tend to jeopardize the public health and safety and welfare or in any way tend to interfere with or prejudice the rights of others to the comfortable enjoyment of life and property. No variance shall be granted which would authorize installation contrary to the laws of the state of Washington, including Chapter 246-272 WAC as now or hereafter amended. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 3(D), 12-19-86).

13.12.090 Appeal for reconsideration--Variance expiration. Any variance granted by the health officer shall unless otherwise specified by the health officer, expire after two years from the date such variance is issued, unless the on-site sewage system is installed and approved prior to the expiration date. An extension not to exceed one year may be granted provided that the applicant provides reasonable justification for the extension as determined by the sole discretion of the health officer. Application for variance approval shall be made on forms provided by the health officer. (R&R No. 08-03 § 89, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § (3)(E), 12-19-86).

13.12.100 Appeal for reconsideration--Judicial review. A decision of the health officer issued pursuant to this title in response to an appeal for reconsideration shall be final unless an aggrieved person files a land use petition pursuant to Chapter 36.70C RCW for the purpose of judicial review of the decision. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 10 § 3(G), 12-19-86).

Chapter 13.16
TECHNICAL ADVISORY COMMITTEE

Sections:

- | | |
|-----------|--------------|
| 13.16.010 | Membership. |
| 13.16.020 | Appointment. |
| 13.16.030 | Procedure. |

13.16.010 Membership. There is established an on-site wastewater treatment and disposal stakeholders technical advisory committee.

A. Membership of the advisory committee shall consist of at least nine members, including the health officer, ex officio, and any eight or more of the following voting members appointed by the health officer:

1. Sanitary, agricultural or civil engineer licensed by the state of Washington;
2. On-site sewage system designer;
3. Seattle Master Builders Association representative;
4. Seattle-King County Board of Realtors representative;
5. A representative of a nonprofit, nonpartisan public affairs or environmental affairs organization;
6. On-site sewage system maintainer;
7. A consumer representing the King County Unincorporated Area Councils;
8. Representative of incorporated cities;
9. Representative of a sewer utility district;
10. On-site sewage system installer;
11. On-site sewage system pumper; and
12. Field Sanitarian.

B. In addition to the voting members, any combination of the following may be appointed by the health officer to serve as ex officio members of the committee:

1. A King County department of natural resources and parks representative;
2. A Washington state Department of Ecology representative.
3. A Washington state Department of Health representative; and
4. A United States Department of Agriculture, Natural Resource Conservation Service representative. (R&R No. 08-03 § 90, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 12 § 1, 12-19-86).

13.16.020 Appointment. Members of the stakeholders technical advisory committee, other than ex-officio members, shall be appointed by the director of the Seattle-King County department of public health or his or her duly authorized representative. Appointments shall be for a term of three (3) years ending December thirty-first of the third year of such term, subject to reappointment. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Members shall serve without compensation. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 12 § 2, 12-19-86).

13.16.030 Procedure.

A. The stakeholders technical advisory committee shall organize and elect a chair and secretary who shall serve at the pleasure of the members. Such committee may adopt rules of procedure for its own governance and shall meet at the call of the chair subject to three (3) days written notice to each member of the time and place of such meeting.

B. The stakeholders technical advisory committee shall examine on-site sewage regulations adopted by the King County board of health, make recommendations thereon and shall review and recommend new methods and techniques of on-site sewage treatment and disposal, but shall act in advisory capacity only. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 12 § 3, 12-19-86).

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Chapter 13.20
PERMITS AND CERTIFICATES

Sections:

- 13.20.010 Permits--general.
- 13.20.020 Designer license.
- 13.20.030 Installer certification.
- 13.20.035 Maintainer certification.
- 13.20.040 Resident owner design, construction and monitoring.

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13.20.010 Permits--general.

A. Unless otherwise specified in this title, it is unlawful to construct, install, repair or modify an OSS without an OSS construction permit. Such permit shall be posted on the building or premises where the work permitted is being done, before the work is begun, and unless revoked, shall not be removed until such work has been finally approved by the health officer.

B. The application submitted for an OSS construction permit shall be accompanied by an approved site design application or approved repair proposal. The permit application for a new OSS to serve a building shall be accompanied by evidence that the responsible building official has issued a building permit authorizing construction of that building.

C. The fee for an OSS construction permit shall be as set forth in the fee schedule.

D. OSS construction permits shall expire two years from date of issue.

E. Unless otherwise provided in this title, the applicant for an OSS construction permit shall be a certified master installer and shall be responsible for all work done under that permit.

F. The applicant for an OSS construction permit may not also be the designer named on the site application unless the work to be done consists solely of OSS failure repair.

G. Application for an OSS construction permit shall be made in writing in a manner prescribed by the health officer and shall be accompanied by a fee as set forth in the fee schedule. The health officer may deny the application if in the health officer's judgment operation of the system will result in a public health hazard. The health officer may consider any relevant health and safety factors in making such a determination. If an application is denied on the grounds of a hazard to public health, the health officer at the time of the denial shall inform the applicant in writing of the reasons for the denial and the applicant's right to appeal the denial.

H. Each construction permit issued pursuant to this title for an OSS installation or repair is nontransferable and is valid only for the designer or installer named thereon and for the type of OSS construction or repair for which the permit has been issued. A new construction permit shall be obtained in the event of change of designer or installer performing the work, or in the type of OSS for which a permit has previously been issued. (R&R No. 08-03 § 91, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 98 § 2, 12-14-93: R&R No. 77 § 2, 12-11-91: R&R No. 49 § 1 (part), 12-1-89: R&R No. 3 Part 2 § 1, 12-19-86).

13.20.020 Designer license. Persons designing OSS must possess a valid on-site sewage system designer's license issued by the Washington state Department of Licensing in accordance with chapter 18.210 RCW, or be licensed and in good standing under chapter 18.43 RCW as a sanitary, civil or agricultural engineer, except as provided in BOH 13.20.040. (R&R No. 08-03 § 92, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 98 § 3, 12-14-93: R&R No. 3 Part 2 § 2(A), 12-19-86).

13.20.030 Installer certification.

A. Except as provided in BOH 13.20.035 and 13.20.040, it is unlawful to install, modify or repair OSS without a currently valid installer's certificate of competency.

B.1. Application for a master installer's or associate installer's certificate of competency shall be made to the health officer and shall be accompanied by a fee as set forth in the fee schedule.

2. The application shall be accompanied by evidence of successful completion within the previous twelve months of a health officer-recognized course of instruction in the basics of OSS and installation of OSS.

3. The health officer shall examine the applicant, shall charge an exam fee as set forth in the fee schedule and may deny the application if in the health officer's judgment the applicant is for any reason, including previous finding of negligence, incompetence, misrepresentation or failure to comply with this title, not qualified to install on-site sewage systems.

C.1. As a condition of certification the master installer applicant shall submit evidence of and maintain at all times compliance with state of Washington minimum performance bonding requirements as stated in chapter 18.27 RCW.

2. The health officer may suspend or revoke any master or associate installer's certificate of competency, pursuant to BOH chapter 1.08.

3. The installer's certificate of competency shall expire December 31 of each year. The installer may not obtain installation permits or construct or repair any OSS after December 31 unless the certification has been renewed. The holder of such a certificate may renew the certificate on or before January 15 of the year following expiration without taking the examination specified by this section, but only if:

a. A renewal application accompanied by a fee as specified in the fee [schedule in]* BOH [chapter 2.18]* is submitted to the health officer. A late fee of twenty five percent of the renewal amount will be charged by the health officer for renewal applications received after January 15; and

b. The applicant provides evidence that at least one CEU credit has been earned by the master installer applicant and the associate installer applicant during the previous calendar year.

4. The health officer may hold, as necessary, informational/educational meetings for all holders of installer's certificates of competency. A minimum of four weeks notice of the meeting time and location shall be sent to each installer. Except as provided by the health officer attendance at the meetings shall be mandatory for all installers. Failure to attend the required meetings, without prior approval of the health officer, shall be cause for the health officer to withhold recertification until an examination administered under the provisions of subsection B. of this section is retaken. (R&R No. 08-03 § 93, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 98 § 4, 12-14-93: R&R No. 3 Part 2 § 2(B), 12-19-86).

*Reviser's note: Material added but not underlined in R&R No. 08-03 § 93.

13.20.035 Maintainer certification.

A. Unless otherwise specified in this title, including BOH 13.20.040 and 13.60.010 relating to homeowners, it is unlawful to conduct performance monitoring inspections of and/or perform preventive maintenance service, to include making limited repairs to on-site sewage systems, without a currently valid OSM certificate of competency.

B.1. Application for an OSM certificate of competency shall be made to the health officer and shall be accompanied by a fee as set forth in the fee schedule.

2. The application shall be accompanied by evidence of two years of relevant OSS experience.

3. The application shall be accompanied by evidence of successful completion within the previous twelve months of a health officer-recognized course of instruction in the operation, monitoring and maintenance of on-site sewage systems.

4. The health officer shall examine the applicant except that the health officer may waive the examination for the designer who is performing monitoring of only these systems designed by that person. The health officer may deny the application if in the health officer's judgment the applicant is for any reason, including previous findings of negligence, incompetence, misrepresentation or failure to comply with this title, not qualified to monitor and maintain on-site sewage systems.

C.1. As a condition of certification the maintainer shall:

a. submit evidence of and maintain at all times compliance with state of Washington minimum performance bonding requirements as stated in chapter 18.27 RCW; and

b. consistently demonstrate reasonable care and skill in performing work governed by this title and shall comply with all the terms and conditions of these and all other applicable rules and regulations.

2. The health officer may suspend or revoke any OSM certificate of competency, pursuant to BOH chapter 1.08.

3. The OSM certificate of competency shall expire December 31 of each year. The holder of such certificate may renew the certificate on or before January 15 of the year following expiration without taking the examination specified by this section, but only if:

a. a renewal application accompanied by a fee as specified in the fee schedule is submitted to the health officer. A late fee of twenty-five percent of the renewal amount will be charged by the health officer for renewal applications received after January 15; and

b. the applicant submits evidence of bonding as specified by BOH 13.20.035 C.1; and

c. the applicant submits evidence that at least one CEU credit has been earned by the OSM applicant during the previous calendar year.

4. The on-site system maintainer may not conduct performance monitoring inspections or perform preventive maintenance of on-site sewage systems after December 31, unless the certification has been renewed.

5. The health officer may hold informational/educational meetings for all holders of OSM certificates of competency. A minimum of four weeks notice of the meeting time and location shall be sent to each maintainer. Unless otherwise specified by the health officer, attendance at the meeting shall be mandatory for all maintainers. Failure to attend the required meetings, without prior approval of the health officer, shall be cause for the health officer to withhold recertification until an OSM examination is successfully completed. (R&R No. 08-03 § 94, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.20.040 Resident owner design, construction and monitoring.

A. A resident owner may personally design a system for the resident owner's own single-family residence, but only if the site application submitted by the homeowner demonstrates that:

1. The area where the drainfield and reserve area are to be located has a minimum of four feet of original permeable soil, and a minimum vertical separation of three feet is maintained.
2. Not more than one system is designed in any twelve-month period.
3. A gravity soil absorption system is proposed; and
4. The property is not adjacent to a marine shoreline.

B. A resident owner may personally construct, install, or repair a gravity system for the resident owner's own single-family dwelling, but only if:

1. The area where the drainfield and reserve area are located has a minimum of four feet of original permeable soil and a minimum vertical separation of three feet is maintained;
2. The resident owner constructs and installs not more than one system in any twelve-month period; and
3. The property is not adjacent to a marine shoreline.

C. The requirement for soil depths as required in this subsection B. and subsection A. of this section may be waived by the health officer when the resident owner is making repairs or additions to an existing gravity system or repairing or replacing the building sewer component of an alternative system.

D. A resident owner of a single-family residence may monitor the performance of and perform prescribed preventive maintenance services for a gravity OSS and for the septic tank component of an alternative OSS or, upon approval from the health officer for a low pressure distribution system. (R&R No. 08-03 § 95, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 2 § 3, 12-19-86).

Chapter 13.24
SUBDIVISION EVALUATION

Sections:

- 13.24.010 Application.
- 13.24.020 Determination of minimum lot size.
- 13.24.030 Evaluation process.
- 13.24.040 Rezones and boundary line adjustments.

13.24.010 Application.

A. Application for subdivision or short subdivision approval shall be made to the health officer on forms provided for this purpose, shall be accompanied by a fee as set forth in the fee schedule and shall be in sufficient detail to allow evaluation of the suitability of the proposed means of on-site sewage treatment and disposal. If a community on-site system is proposed, the preliminary report and plans and specifications shall be in accordance with BOH 13.28.040. If any soils work is required or evaluation of an existing OSS is necessary the application must be submitted to the health officer by a licensed septic system designer or qualified professional engineer.

B. Department review is not required for those subdivisions within the urban growth area where group A public water and public sewer service will be used for all of the resultant lots.

C. The application for any development, including but not limited to subdivisions, short subdivisions, mobile home parks, multi-family housing, and commercial establishments, shall include evidence that suitable site and soil conditions as required by this title, to adequately treat and dispose of sewage on-site are present. After review of the proposed development, the health officer shall either approve, deny, or hold the proposal pending submittal of additional information. (R&R No. 08-03 § 97, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 97-06 § 2, 12-19-97: R&R No. 98 § 5, 12-14-93: R&R No. 77 § 3, 12-11-91: R&R No. 3 Part 3 § 1, 12-19-86).

13.24.020 Determination of minimum lot size.

A. The minimum lot size when creating new lots utilizing OSS shall be established by the health officer on the basis of the information submitted and any on-site inspections by the health officer.

1. All lots created must be at least twelve thousand five hundred square feet and shall not exceed a maximum flow density of one thousand five hundred seventy gallons of sewage per acre per day.

2. Lots utilizing an individual private water source shall be at least five acres.

B. Factors that may be considered when determining type of on-site system, connection to sewers, or establishing minimum lot size area include but are not limited to the following:

1. Availability of public sewers, as determined by the King County Comprehensive Plan;
2. Soil type and depth;
3. Area drainage and lot drainage;
4. Protection of surface and ground water;
5. Setbacks from property lines, water supplies, rights of way and easements, including but not limited to easements for drainfields, utilities and telecommunications;
6. Source of domestic water;
7. Topography, geology and ground cover;
8. Climatic conditions;
9. Activity or land use, present and anticipated;
10. Growth patterns;
11. Individual and accumulated gross effects on water quality;
12. Availability of a one hundred percent reserve area for system replacement;
13. Anticipated sewage volume - as determined by number of lots and development;
14. Effect on other properties;
15. Compliance with zoning, critical area development restrictions including the critical aquifer recharge area and other code requirements of the governing agency as applicable.

C. The minimum lot size requirement for creating subdivisions involving single-family residences or mobile home parks shall be determined by the soil type as outlined in Table 13.24-1.

**Table 13.24-1
Minimum Land Area Requirement
Single-Family Residence or
Unit Volume of Sewage**

Type of Water Supply	Soil Type					
	1	2	3	4	5	6
Public Water System	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
Individual/Private Well*	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres

*Requirements for public wells may preclude use of private wells in certain instances. See RCW 19.27.097.

NOTE: Well location and construction must be consistent with the King County Comprehensive Plan, as amended. (R&R No. 08-03 § 98, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 3 § 2, 12-19-86).

13.24.030 Evaluation process. The applicant for subdivision or short subdivision approval shall obtain the health officer's review of the development proposal in accordance with this section.

A. The applicant shall obtain the health officer's preapplication or preliminary review before submitting the development proposal to DDES or other building official, as applicable, and shall include the following information in the application submittal:

1. A vicinity map providing precise directions to the parcel or parcels;
2. Signage or flagging at the identified entry point to the parcel or parcels;
3. Critical area review, including critical aquifer recharge area classification, with all buffers and setbacks shown on the plot plan;
4. A minimum of two soil logs per proposed lot shall be provided prior to department preliminary review. Such soil logs shall be excavated in accordance with the requirements of BOH 13.28.050. The soil log or logs must clearly show that within the lot area designated for the OSS the vertical separation specified in Table 13.28-1, and minimum lot sizes specified in Table 13.24-1 are provided.

5. A scaled plot plan of the proposed subdivision depicting the land area proposed for an initial on-site system and a contiguous one hundred percent (100%) system reserve area and soil log locations. The plot plan shall also identify any wells, surface water bodies and other features relevant to the siting of an on-site sewage system on the proposed and adjacent parcels.

B. The applicant shall submit the following information to the health officer and obtain the health officer's final approval of the development proposal:

1. A minimum of four soil logs per proposed lot shall be provided. Such soil logs shall be excavated in accordance with BOH 13.28.050. Each soil log shall clearly show that the vertical separation specified in Table 13.28-1 is provided.

2. A scaled plot plan identifying sufficient area for a drainfield and a contiguous one hundred percent reserve area for each lot shall be submitted after road cuts have been made, any plat development site grading affecting the OSS area completed, and drainage plan completed. Such a plot plan shall also include any soil log locations, road cuts, wells, surface water features, utility easements, storm and surface water retention and disposal facilities and other features relevant to the design and installation of an OSS.

3. The applicant shall submit site designs for those proposed lots where the health officer determines that it is unclear that there is sufficient area for an on-site system and one hundred percent reserve area.

4. If existing homes are on any of the proposed lots then the applicant must demonstrate all of the following:

- a. the existing OSS is in substantial conformance with this title;
- b. there is adequate reserve area available for repair or replacement of the system in accordance with this title; and
- c. the continued operation of the system does not pose a threat to public health or groundwater quality. (R&R No. 08-03 § 99, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 3 § 3, 12-19-86).

13.24.040 Rezones and boundary line adjustments.

A. The general procedures for review of subdivisions outlined in BOH 13.24.010, 13.24.020 and 13.24.030 shall apply to proposed rezones, boundary line adjustments, and other land use changes where department review is requested by the building or planning official.

B. The applicant for a boundary line adjustment shall submit a scaled plot plan containing at a minimum the following additional information for the health officer's review:

1. The location of any structure or structures or residence or residences with OSS and a reserve area identified;

2. All lot line boundaries with the lines that are being adjusted clearly marked in a different color or delineation;

3. All easements and water line;

4. Parcel numbers for all lots involved, and parcel sizes before and after adjustment of lot lines;

5. A record drawing of any existing OSS, or detailed on-site work to verify the location of all septic system components and drain lines and designated 100% reserve area;

6. Water source for each lot, location of all wells drilled or dug or if the source is a spring; and

7. An updated record drawing showing the new property boundaries in relation to the drainfield.

(R&R No. 08-03 § 100, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 3 § 4, 12-19-86).

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**Chapter 13.28
DESIGN**

Sections:

- 13.28.010 Application submittal, review, approval.
- 13.28.020 Design support materials.
- 13.28.030 General design requirements.
- 13.28.040 Community on-site systems and large on-site systems (LOSS).
- 13.28.050 Soil test procedures.
- 13.28.060 Minimum soil depth.
- 13.28.070 Required absorption area.

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13.28.010 Application submittal, review, approval.

A. Application for site design approval for a proposed new OSS installation, repair or replacement of an existing failed soil absorption system, or modification, connection to or expansion of an OSS shall be made on forms provided by the health officer and be accompanied by 1. a plan review fee as set forth in the fee schedule and 2. a plan that demonstrates that the standards required in this title are met.

B. Approval of plans shall expire two years from date of approval unless a valid building permit application has been accepted for review by the building official for construction of the building for which the OSS has been designed. Upon expiration of plan approval or building permit the applicant shall submit a complete new application with fees for review and approval by the health officer.

C. After review of a site design application, the health officer may deny the application if in the health officer's judgment the physical features of the property on which it is proposed to locate the OSS, or the design of the proposed OSS, are not adequate for effective operation of such a system.

D. Each site application denial or withdrawal of a previously issued approval shall be in writing citing the reason or reasons and shall include a notice of the applicant's right to appeal for reconsideration pursuant to this title. (R&R No. 08-03 § 101, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 98 § 6, 12-14-93: R&R No. 77 § 4, 12-11-91: R&R No. 49 § 2, 12-1-89: R&R No. 3 Part 3 § 4 § 1, 12-19-86).

13.28.020 Design support materials. Design of OSS shall be in accordance with this title and shall accommodate all sewage from the buildings and premises to be served. The type of system required shall be determined by a soil and site evaluation conducted by the designer, which shall include location, soil type, vertical separation and other relevant conditions. [All design control panels shall be located with the designated drainfield areas and remain in place until the health officer has issued final approval for the installed OSS.]*

A. The OSS site design application shall include the following:

1. A completed site design application form for the individual OSS that includes the following information:

- a. approximate address of property;
- b. parcel number and legal description of property;
- c. type and size of building the system will support;
- d. name and address of property owner, applicant and system designer;
- e. size of the parcel;
- f. whether the property is within the urban area or rural area as designated by the King County Comprehensive Plan; and, if located within the urban area, the distance of the nearest property line to the closest public sewer line;
- g. designation of an approved domestic water supply source;
- h. type of development for which site design application is being made, for example: single-family, multi-family or commercial; and type of permit, for example: new installation, or repair, or limited repair of an existing OSS;
- i. the presence of critical area or areas, including critical aquifer recharge areas, to be delineated on the scaled plot plan;
- j. date of testing;
- k. original signature in blue ink and Washington state Department of Licensing certificate of competency number of designer or professional engineer's registration number; and
- l. all other information requested on the site application for on-site sewage disposal system form.

2. Results of a soil and site evaluation conducted by the designer. The designer shall:

- a. provide soil logs that accurately describe subsurface soil conditions present within the primary and reserve soil absorption areas;
- b. use soil and site evaluation procedures and terminology in accordance with Chapter 3 and Appendix A of the Design Manual: On-Site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 or as amended, except where modified by, or in conflict, with this title;
- c. use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

- d. determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis;
 - e. classify the soil as in Table 13.28-3, Soil Textural Classification;
 - f. describe ground water conditions, including the date of the observation or observations, and the probable maximum water table height;
 - g. describe existence of structurally deficient soils, such as slide zones and dunes, or those soils subject to major wind or water erosion events;
 - h. describe the existence and location of critical areas, for example designated flood plains and incorporate into design drawings; and
 - i. describe the location of any encumbrances affecting system placement, such as:
 - (1) wells, other water sources and water supply lines;
 - (2) surface water and storm water infiltration areas;
 - (3) abandoned wells;
 - (4) outcrops of bedrock and restrictive layers;
 - (5) buildings;
 - (6) property lines and lines of easements;
 - (7) drainage structures such as footing drains, curtain drains, and drainage ditches;
 - (8) cuts, banks, and fills;
 - (9) driveways and parking areas;
 - (10) existing OSS; and
 - (11) underground utilities.
3. A completely dimensioned overall parcel plot plan, drawn to a one inch equals twenty feet scale, or the largest scale that will allow the parcel plot plan to be presented on a single page, no smaller than eight and one-half by eleven inches and no larger than eleven by seventeen inches, accurately showing:
- a. site drainage characteristics including direction of surface drainage;
 - b. an arrow indicating north;
 - c. topographical contours at two foot intervals over the OSS area and all other areas containing features relevant to the design and installation of an adequate and efficient OSS;
 - d. maximum building footprints, wastewater tanks and primary and reserve soil absorption system locations;
 - e. all locations of and routes to soil log excavations, with such locations and routes clearly identified by appropriate signage or flagging on the property;
 - f. [locations of and routes to]* potable water sources near property lines (drilled wells within one hundred feet and all other sources within two hundred feet, and all well heads, with such locations and routes clearly identified by appropriate signage or flagging on the property;
 - g. location of property and easement lines;
 - h. location and description of design control point or points within the designated drainfield area;
- and
- i. the boundaries of the SSAS detail drawing.
4. Construction plans and specifications showing:
- a. plumbing stub elevation; and
 - b. vertical section detail drawings depicting dimensions of wastewater tank details to include minimum and maximum elevation of installation, maximum depth of cover over tanks, acceptable seasonal groundwater table elevation at all tank locations, and depth of required bedding material. For drainfields, minimum and maximum drainfield width and depth, vertical separation and amount of cover material and placement if any, and any other OSS components to be constructed at the site.

5. A[n] SSAS detail drawing scaled one inch equals twenty feet (or one inch equals thirty feet on larger lots) depicting design control point or points, the dimensions and location of all components of the proposed primary and reserve systems including trench widths, lengths and horizontal separations. If the location of the reserve area is at an elevation above the outlet of the septic tank, the design shall include all tanks, dosing chambers and piping necessary to allow distribution of the effluent to the reserve area with a minimum of disruption to the original subsurface field and other property of the owner. The health officer may require the installation of the dosing chamber, pressure lines and distribution box/inspection box where the future access to the reserve area will be severely limited. Drawings may be submitted electronically in a format acceptable to and with the prior agreement of the health officer.

6. Location of a pump tank controls in plain view of the pump tank shall be included on the design drawings.

7. Construction details for and location of any proposed footing drains, curtain drains and interceptor drains.

8. Calculations and observations supporting the proposed design, including:

a. soil type; and

b. hydraulic loading rate in the soil absorption component.

9. An accurate vicinity location sketch and route map to the property, including written directions to the property from the last named street or road. Signage shall be displayed at the entrance to the property and include the names of the designer and applicant. A cleared and flagged route to the soil log and well site locations must be provided from the property entrance.

10. Proof of availability of an approved domestic water supply source.

11. Such other information as the health officer may require.

B. Additional requirements for an application for an OSS serving buildings other than or in addition to single-family residences:

1. Information to establish that the sewage is not industrial wastewater;

2. Information to establish that the sewage effluent applied to the infiltrative surface does not exceed typical residential effluent characteristics by providing waste strength characteristics and parameters;

3. For all commercial developments not classified as community on-site systems, recorded covenants declaring that the owner or owners of the property or properties served by the OSS are responsible for the operation, monitoring, and maintenance of the OSS in accordance with this title; and

4. Proof of a system operation monitoring and maintenance plan in accordance with requirements of BOH chapter 13.60. (R&R No. 08-03 § 102, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 4 § 2, 12-19-86).

*Reviser's note: Material added but not underlined in R&R No. 08-03 § 102.

13.28.030 General design requirements.

A. Collection systems will be designed to comply with criteria set forth in Criteria for Sewage Works Design, Washington state Department of Ecology, November 2007 or as thereafter amended.

B. Maximum Slopes.

1. OSS shall not be allowed on slopes exceeding forty percent.

2. On slopes exceeding thirty percent, the SSAS shall be pressure distribution and have a maximum SSAS trench width of two feet.

C. SSAS reserve area or areas shall be designated equal to at least one hundred percent of the primary SSAS area. One or more areas may be designated as SSAS reserve areas. If more than one area is designated or if access is limited, at the discretion of the health officer the reserve system may be required to be installed along with the primary SSAS. At least two soil log excavations shall be installed in each designated reserve area. Construction plans for the SSAS reserve area may be required by the health officer.

D. OSS for lots created after July 1, 1984, shall be located on the same lot as the buildings they are designed to serve. Any existing OSS which is failing and for which there is insufficient area on the lot to repair the system may be replaced by an OSS located off-site provided proof of easements is submitted to the health officer. Proof of lot creation date must be provided when requesting use of a drainfield easement for new construction. All drainfield easements shall be surveyed and permanently marked, and the soils within the easements protected against disturbance. Approval shall be subject to such additional conditions as deemed necessary by the health officer to protect public health.

E. Any application for site design approval for OSS in a critical area shall include documentation from the applicable jurisdictional authority indicating critical area review has been completed. All critical areas and their buffers shall be identified and drawn to scale on the design drawing submittals. OSS shall not be located on landforms that are unstable.

F. Where any type of drain is to be installed for the purpose of intercepting subsurface water and channeling, concentrating, focusing or directing its flow onto a downstream property not under the ownership or agency of the applicant or King County, a release of damages holding King County and its employees harmless for any subsequent erosion or loss or limitation of use of such property must be executed and filed with the King County records and elections division and which shall run with the land, prior to approval of any site application.

G. All types of drains installed for the purpose of affecting vertical separation shall be verified as effective during the winter water table season as outlined in BOH 13.28.060.C.

H. No downspout or footing drain shall be directly or indirectly connected to an OSS and the OSS shall be so constructed and installed that surface water or groundwater will not interfere with the operation of the system.

I. Seepage pits shall not be used for the disposal of septic tank effluent.

J. The installation and use of cesspools and pit privies for disposal of sewage is not permitted.

K. When grease traps are used, the design and installation will comply with criteria set forth in the Uniform Plumbing Code, 2006 Edition, International Association of Plumbing and Mechanical Officials, as amended. In addition the design application shall include a grease trap maintenance schedule.

L. When siphon systems are used, they shall comply with Recommended Standards and Guidance for Pressure Distribution Systems, Washington State Department of Health, July 1, 2007.

M. The connection of accessory living quarters as defined in this title to an OSS [is] designed for or in use by a single-family residence or commercial structure may be permitted provided that public health and groundwater quality are not affected, and the OSS is designed for the anticipated increased flow. In medical hardship cases as described in K.C.C. 21A.32.170, the health officer may allow the temporary connection of a mobile home or temporary dwelling to an existing OSS designed only for a single-family residence provided that neither public health nor groundwater quality are negatively affected.

N. Pump lines shall be installed at a depth which precludes disruption or damage by installation of other utilities or freezing.

O. No part of an OSS shall be constructed in the zero rise floodway of a flood hazard area as described by K.C.C. Title 21A. New OSS to serve new subdivisions shall be located outside the limits of a flood hazard area. The installation of new OSS within the flood fringe area of the one-hundred-year flood plain, as determined by DDES or the local building official, may be allowed if the applicant demonstrates that:

1. The proposed building parcel is an existing legal building site;
2. No feasible alternative site outside the flood hazard area is available;
3. Wastewater tanks and electrical components will be flood-proofed to the flood protection elevation;
4. A conforming subsurface soil absorption system can be installed; and
5. DDES or the local building official permits the development which is proposed to be served by the OSS.

P. No part of a SSAS including the drainrock shall be located in fill material or disturbed soils.

Q. SSAS shall be constructed with observation ports terminating within utility boxes adjustable to final grade over the ends of the drainfield pipes, or other methods of drainfield detection approved by the health officer to aid in the future locating of these components.

R. OSS shall not be permitted where a minimum vertical separation of three feet of permeable soil below the infiltrative surface cannot be maintained except as provided in Table 13.28-1. The health officer may require greater vertical separation as needed to protect public health when the aquifer is used for a potable water supply.

**Table 13.28-1
Minimum Treatment Level and Effluent Distribution Method Required by
Various Soil Types, Vertical Separation and Original Soil Depth Conditions**

Vertical Separation in inches	Soil Type			
	1	2	3-4	5-6
18 ^{1,2}	A- pressure with timed dosing	B- pressure with timed dosing	B- pressure with timed dosing	B- pressure with timed dosing
>18≤24	B- pressure with timed dosing			
>24≤36	B- pressure with timed dosing	C- pressure with timed dosing	E- pressure with timed dosing	E- pressure with timed dosing
>36≤60	B- pressure with timed dosing	E- pressure with timed dosing	E- pressure with timed dosing	E- pressure with timed dosing
>60	C- pressure with timed dosing	E- gravity	E- gravity	E- pressure with timed dosing

Table 13.28-1 Explanatory Notes

1. Except as provided in footnote 2, the minimum required original, undisturbed, permeable soil depth is eighteen inches.
2. For existing lots of record where the original undisturbed soil depth above a restrictive layer is between 12 and 18 inches the following is required:
 - a. Minimum lot size is 5 acres. Any lot area placed into a separate sensitive area protection tract in accordance with King County Code Section 21A.24.180 may also be included in the computation of the minimum five (5) acre lot size required by this section.
 - b. The owner shall file a covenant with the King County records and elections division agreeing not to subdivide the parcel utilizing the OSS to less than 5 acres until public sewer service is provided.
 - c. A water table study shall be conducted during a time of high seasonal water table to establish available soil depth.
 - d. A system meeting treatment level A, or two treatment level B systems in combination meeting treatment level A without the use of disinfection, such as a mound preceded by an intermittent sandfilter, shall be used.

S. Disinfection may not be used:

1. To achieve the fecal coliform requirements to meet treatment levels A or B in Type 1 soils; or treatment level C; or
2. On lots with less than eighteen inches of soil; or
3. In a critical aquifer recharge area.

T. The coarsest textured soil within the vertical separation selected determines the minimum treatment level and method of distribution.

U. Based upon the treatment capacity and design flow the designer of an OSS shall establish the operational capacity of the system. This information shall be included with the design application and record drawing submission.

V. Any reduction in horizontal separation for a pressure sewer line crossing a surface water source shall meet the requirements of the publication, Granting Waivers from State On-site Sewage System Regulations, chapter 246-272A WAC, as amended, published by the Washington state Department of Health.

W. All OSS must comply with the applicable treatment levels contained in Table 13.28-1 and applicable setbacks contained in Table 13.28-2; though the health officer may grant any setback reduction authorized under Table 13.28-2 only in response to a written request for such reduction from the designer of record if the request includes all reasons for the proposed reduction and describes all mitigation measures required under this title or as may be required by the health officer in the exercise of reasonable discretion for the protection of the public health.

X. In preparing any OSS site design application, the designer shall consider:

1. CBOD₅, TSS and O and G;
2. Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;
3. The sensitivity of the site where the OSS will be installed, such as shellfish growing areas, designated swimming areas, and other areas identified in the management plan.

Y. Nitrogen contributions, where nitrogen has been identified as a contaminant of concern by the management plan, shall be addressed through either lot size or treatment, or both.

**Table 13.28-2
Minimum Horizontal Separations
(Setbacks)**

Items Requiring Setback	MEASURE FROM		
	Edge of soil dispersal component trench or reserve area	Septic tank, holding tank, containment vessel, pump chamber, and distribution box	Building sewer, collection, and nonperforated distribution line ¹
Potable Water Source ²			
– Private well	100 ft.	100 ft.	100 ft.
– Public drinking water well	100 ft.	100 ft.	100 ft.
– Drinking water spring/dug well ³	200 ft.	200 ft.	200 ft.
Pressurized water supply line ⁴	10 ft.	10 ft.	10 ft.
Properly decommissioned well ⁵	10 ft.	10 ft.	N/A
Surface water ^{2, 6, 7}	100 ft.	50 ft.	10 ft.
Seasonal water ^{2, 7}	30 ft.	15 ft.	
Swimming Pools			
A. Down-gradient ⁸	A. 15 ft. + height of the cut. Need not exceed 30 ft.	5 ft.	2 ft.
B. Up-gradient ⁸	B. 10 ft.	5 ft.	2 ft.
C. If underdrains are present, either down-gradient or up-gradient ⁸	C. 30 ft.	N/A	N/A
Building foundation:			
A. Down-gradient ⁸	A. 15 ft. + height of foundation cut. Need not exceed 30 ft. ^{8, 9}	5 ft.	2 ft.
B. Up-gradient ⁸	B. 10 ft.	5 ft.	2 ft.
Property or easement line	10 ft. ^{10, 11}	5 ft.	N/A
Decks (first floor) with post and pier supports	5 ft.	5 ft.	N/A ¹⁵
Decks - post and block (2nd Floor at least 6 ft. high)	2 ft. Outside a line from any pier supports	Not under any pier supports	N/A
Decks Cantilevered (at least 6 ft. high)	0 ft.	0 ft.	N/A
Septic tanks, pump tanks, treatment tanks, sandfilter containment vessels:			
A. Down-gradient ⁸	A. 15 ft. + height of excavation. Need not exceed 30 ft. ⁹	N/A	N/A
B. Up-gradient ⁸	B. 5 ft.		
Interceptor/curtain drains/footing drains.			
– Down-gradient ⁸	30 ft.	5 ft.	N/A
– Up-gradient ⁸	10 ft.	N/A	N/A
Infiltration and Dispersion Trenches			
A. Down-gradient ⁸	30 ft.	10 ft.	5 ft.
B. Up-gradient ⁸	100 ft. ¹⁴	30 ft.	5 ft.
Down-gradient cuts or banks 5 ft. or less in vertical height	15 ft. + height of bank ^{9, 13}		
Down-gradient cuts or banks greater than 5 ft. in vertical height with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change ⁸	15 ft. + height of bank but shall not be less than 25 ft. ^{9, 12}	N/A	N/A
Down-gradient cuts or banks greater than 5 ft. in vertical height with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change ⁸	15 ft. + height of bank but shall not be less than 50 ft. ¹²	N/A	N/A

Table 13.28-2 Explanatory Notes

1. "Building sewer" as defined by the most current edition of the Uniform Plumbing Code. "Nonperforated distribution" also includes pressure sewer transport lines.

2. With excessively permeable soils or other sites where conditions indicate a greater potential for ground or surface water contamination or pollution such as unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells, the distance from any water supply or surface water may be increased by the health officer.

[Table 13.28-2 Explanatory Notes Continue on Next Page]

**Table 13.28-2
Explanatory Notes (Continued)**

3. Setbacks from private or public springs and from shallow wells without intact casings or those wells which are not constructed in accordance with chapter 173-160 WAC and are utilized as a source of drinking water shall comply with BOH 13.04.070.C.

4. The health officer may approve a sewer transport line crossing a water supply line [if the sewer line when there is no other reasonable means to keep them from crossing and if the sewer line is constructed]* in accordance with Section 2.4 of the Department of Ecology's Criteria for Sewage Works Design, revised November 2007 or equivalent.

5. Before any component may be placed within one hundred feet of a well, the designer shall submit a "decommissioned water well report" completed by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed.

6. Setback measured from ordinary high water mark of surface water. Greater setback may be required to prevent pollution. The health officer will state reasons for greater setback to applicant in writing.

7. This separation may not be reduced by culverting of streams without prior written approval for the culverting from King County or applicable building official, but in no case shall this separation be less than fifteen feet plus the height of the excavation which contains the culvert. Need not exceed thirty feet.

8. The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

9. May be reduced to ten feet by the health officer when bottom of infiltrative surface is downgradient from the base of the foundation cut or wastewater tank excavation, or there is at least five feet of original undisturbed unsaturated soil above a restrictive layer formed due to a structural or textural change.

10. May be reduced five feet by the health officer in repairs to existing systems, in setbacks to easements or where a confirmed property line is up-gradient from the soil absorption component. A survey may be required by the health officer to ensure compliance with setback requirements.

11. This distance may be increased to thirty feet by the health officer where cuts or construction on neighboring properties may affect the system.

12. Need not exceed one hundred feet.

13. May be reduced to ten feet when the bottom of the infiltrative surface is below the base of the cut or bank and no restrictive layer or layer formed due to a structural or textural change is intersected or there is at least five feet of original, undisturbed soil above a restrictive layer or layer due to a structural change.

14. The health officer may reduce this setback to thirty feet if the soil depth is four feet or greater and is soil type 1, 2 or 3.

15. Any sewer clean-out shall be accessible for OSS maintenance or repair.

(R&R No. 08-03 § 103, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 4 § 3, 12-19-86).

***Reviser's note: Material added but not underlined in R&R No. 08-03 § 103.**

13.28.040 Community on-site systems and large on-site systems (LOSS).

A. Design of large on-site systems shall be subject to review by DOH in accordance with chapter 246-272B WAC, as amended. Design of community on-site systems that do not otherwise qualify as LOSS shall be subject to review by the health officer in accordance with this title.

B. Prior to construction, plans and specifications for community on-site systems not qualifying as LOSS shall be submitted for approval to the health officer in accordance with this title. All preliminary reports and plans and specifications for new community on-site systems, extensions or alterations shall be prepared by a sewage system designer certified as provided in BOH 13.20.020 or by an engineer as defined by this title. Any project exceeding three thousand five hundred gallons per day shall be designed by an engineer. Within sixty days following the completion of and prior to the use of any LOSS or community system project or portion thereof a certification shall be made to the department and signed by the system designer or engineer declaring that he or she has inspected the physical facilities of the project, and the designed physical facilities are constructed in accordance with this title and with the plans and specifications approved by the health officer.

C. Management and maintenance of community on-site systems that do not qualify as LOSS shall comply with BOH 13.60.020. Before obtaining a permit for installation of such a community OSS, the applicant shall provide to the health officer proof of ownership or management of the OSS in perpetuity by an approved public entity.

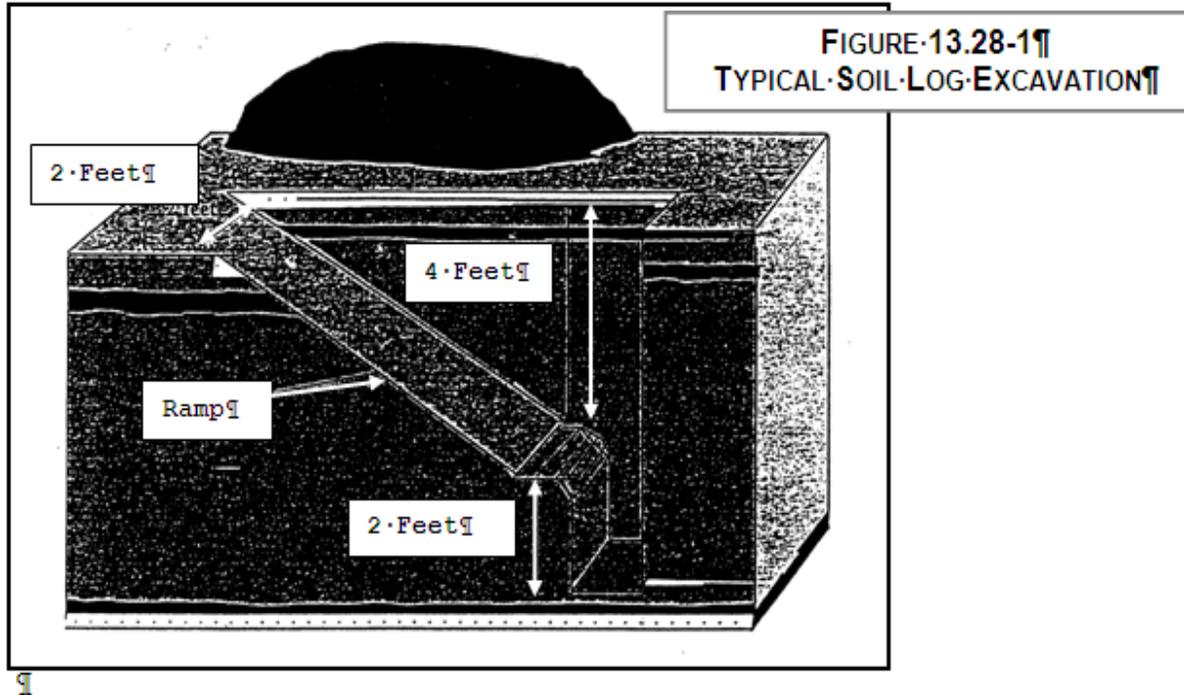
D. After obtaining the health officer's approval of the preliminary report and design plans and specifications, the applicant shall obtain an OSS installation permit prior to installing the community on-site system. In addition, the applicant shall obtain an OSS installation permit for each residence prior to installing any septic tank, pump tank, if needed, and connecting line to the community on-site system. (R&R No. 08-03 § 104, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 4 § 4, 12-19-86).

13.28.050 Soil test procedures.

A. Soil logs. Results of all soil logs shall be submitted as part of the application for design approval. Soil log excavation shall meet the following requirements:

1. Allow examination of the soil profile in its original position by excavating pits of sufficient dimensions, but not less than three feet in diameter from top to bottom of the excavation, to enable observation of soil characteristics by visual and tactile means. The pits shall be constructed to a depth three feet deeper than the bottom of the proposed infiltrative surface, but shall be no deeper than the depth of the water table or restrictive layer. All soil logs dug with a backhoe shall be ramped unless otherwise waived by the health officer.

*



2. For single-family structures: soil logs shall include four or more test holes located in representative parts of the proposed primary and reserve soil absorption areas and shall be separated by at least twenty feet. At least two shall be located in the primary SSAS area and two in each area designated for the reserve SSAS area. One soil log shall be located in the area of the proposed wastewater tanks. One soil log shall be located in the area of the treatment device, such as a sand filter or ATU unit, if that device is greater than thirty feet from the wastewater tanks.

3. Soil log requirements for other than single family residences: For non-single-family development, soil logs shall be made from one or more test holes for each one thousand five hundred square feet total primary and reserve SSAS areas, but not less than four soil logs shall be provided. At least two soil log excavations shall be in the primary and two in each area designated for the reserve SSAS area.

4. Labeling of soil logs: Soil logs shall be marked with a suitable flag or label with an indelible identifying number or letter and designer's name. Corresponding numbers or letters shall appear on the design plan and be accurately located on the SSAS.

5. Soil log determinations: Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table.

6. Use of soil nomenclature: Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system.

7. Soil classification: Classify the soil as in Table 13.28-3, Soil Textural Classification, describing soil type, depth of each type and any evidence of seasonal water table. Soil particle size analysis and/or percolation tests may be required by the health officer where identification of soil absorption characteristics is in question.

**Table 13.28-3
Soil Textural Classification**

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly ¹ coarse sands, all extremely gravelly ² soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy fine sands, or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
7 Unsuitable for disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils, soil with moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

Table 13.28-3 Explanatory Notes

1. Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.
2. Extremely Gravelly = >60% gravel and coarse fragments, by volume.

8. Soil log safety measures: The owner of the property shall be responsible for constructing and maintaining the soil log excavations in a manner to minimize potential for physical injury by:

- a. placing excavated soil no closer than two feet from the excavation;
- b. providing an earth ramp or steps to a depth of four feet, for safe egress, then completing the excavation to gain the additional depth of two feet necessary to observe the six feet of soil face; however, these deepest two feet are not to be entered;
- c. providing adequate physical safeguards such as covers, flagging or fencing over, around, or both over and around the excavation's perimeter so as to prevent injury or damage to the general public or creation of a hazard to animals; and
- d. filling the excavation with compacted soil upon completion of the soil log evaluation.

9. Soil and site evaluation procedures: Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the On-site Wastewater Treatment Systems Manual, United States Environmental Protection Agency 625/R-00-008, February 2002 except where modified by, or in conflict with, this title.

B. Percolation tests. When percolation tests are conducted, the tests shall be consistent with the procedure outlined in the Design Manual: On-site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict with, this title. Test holes shall be maintained and protected by the owner so as to prevent injury or damage to the general public or the creation of a hazard to animals and the owner shall fill the test holes with compacted soil upon completion of evaluation.

C. Particle size analysis. When particle size analysis tests are conducted, the procedure used shall be consistent with American Society for Testing Materials Standard D-442. Sample for testing shall be collected by the OSS designer in the presence of the health officer or from an identified location, subject to the prior agreement of the health officer. (R&R No. 08-03 § 105, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 4 § 5, 12-19-86).

*Reviser's note: Graphic not included but not deleted in R&R No. 08-03 § 105.

13.28.060 Minimum soil depth.

A. All OSS shall have a minimum vertical separation as outlined in Table 13.28-1 of this code. A minimum of eighteen inches of original permeable soil is required above any seasonal high water table or impervious layer of soil on all sites to be considered for OSS except that less than eighteen inches but not less than twelve inches may be allowed by the health officer provided the lot size is not less than five acres, and a treatment level A system is used which allows for twelve inches of vertical separation or two treatment level B systems (without use of disinfection to meet that standard) are used such as a sandfilter to mound OSS, and the owner files a covenant with the King County records and elections division agreeing not to subdivide the parcel until public sewer service is provided.

B. Where marginal soil conditions exist, the health officer may require that additional investigation be conducted.

C. Where there is evidence or probability of high winter water table or a shallow restrictive layer, the health officer may require that additional testing or monitoring be conducted to verify water table levels. The applicant's plan for conducting such testing shall be specified in a water table monitoring plan which shall be submitted no later than December 1, to allow adequate time to monitor and evaluate the seasonal water table. If not a part of a full site design application submission the plan shall be accompanied by a fee as specified in the fee schedule. The health officer shall render a decision on the acceptability of the results of the seasonal high water table testing or monitoring within twelve months of receiving the application, contingent upon presence of precipitation conditions typical for the region. (R&R No. 08-03 § 106, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 4 § 6, 12-19-86).

13.28.070 Required absorption area.

A. Single-family dwellings. For design purposes one hundred fifty gallons/bedroom/day shall be utilized in determining unit volume with a minimum of three bedrooms. For each additional bedroom OSS designs must use at least an additional one hundred twenty gallons/bedroom/day. Loading rates shall be determined according to soil texture type as outlined in Table 13.28-4. The finest textured soil in the selected vertical separation establishes the loading rate.

**Table 13.28-4
Maximum Hydraulic Loading Rate For Residential Sewage¹
Soil Textural Classification Description**

<u>Soil Type</u>	<u>Soil Textural Classification Description</u>	<u>Loading Rate for Residential Effluent Using Gravity or Pressure Distribution (gal./sq.ft./day)⁵</u>
1	Gravelly and very gravelly ² coarse sands, all extremely gravelly ³ soils excluding Soil types 5 & 6, all soil type with greater than or equal to 90% rock fragments	1.0 ⁴
2	Coarse sands	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6 ⁶
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4 ⁶
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2 ^{6,7}
7	Sandy clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

Table 13.28-4 Explanatory Notes

1. Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or render the soil unsuitable for OSS.
2. Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.
3. Extremely Gravelly = >60% gravel and coarse fragments, by volume.
4. Due to the highly permeable nature of type 1 soil, only systems which meet or exceed the treatment levels required in Table 13.28-1 may be installed.
5. The loading rate listed for the soil type present in the nongravel portion is to be used for calculating the minimum absorption area required. The value is to be determined from this table.
6. OSS installed in soil texture type 4, type 5 or type 6 shall be constructed during dry weather (defined as at least two consecutive weeks without appreciable rainfall) and dry soil conditions to minimize compaction and smearing during excavation, as verified at the site.
7. SSAS in soil type 6 must utilize pressure distribution.

B. Buildings other than single-family residences.

1. Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:
 - a. be located only on soil types 1 through 5;
 - b. be located only on slopes of less than thirty percent, or seventeen degrees; and
 - c. have pressure distribution and timed dosing.
2. Schools with OSS and who use laboratories and shop facilities shall have plumbing drains for these facilities directed to holding tanks separate from the common wastewater drains to the OSS.
3. For OSS treating sewage from a nonresidential source, the designer shall provide the following:
 - a. information showing that none of the chemicals or other materials listed in BOH 13.04.058 will be introduced into the OSS; and
 - b. a site-specific design providing the treatment level equal to or greater than the treatment level required of sewage from a residential source.
4. The owner of an OSS for a commercial development not classified as a community on-site system shall file a covenant declaring that the owner is responsible for the operation, monitoring and maintenance of the OSS in accordance with this title.
5. Required absorption area must be determined by using one of the following methods:
 - a. by using the figures given in Table 13.28-5, or the Onsite Wastewater Treatment Systems Manual, EPA/625/R-00/008, as amended, then using the appropriate application rate from Table 13.28-4; or
 - b. by determining average water meter readings for one year from at least three similar establishments and adding a minimum safety factor of fifty percent. Both operating capacity and surge capacity must be determined.
6. The minimum SSAS area must be not less than two hundred square feet.

Table 13.28-5

Type of Establishment¹	Gallons Per Person Per Day
Multiple Family Dwelling (per person – 2 per bedroom – Minimum of 2 bedrooms per unit)	75
Factories, office buildings, etc. (add 100 gallons/day for each utility sink per shift; food establishment not included)	20
Food Establishments – with food preparation	50 (gallons per seat)
Taverns – no food preparation (estimate patrons per day and add 15 gallons/employee)	5
Mobile Home Parks (figure minimum 3 bedrooms, 2 people per bedroom)	75
Resort Camps	50
Work or Construction Camps	50
Day Camps (no meals served)	15
Swimming Pools and Bathhouse (sanitary facilities only)	15
Country Clubs (per member present, add 15 gallons/day per employee)	130
Motels with kitchen (figure 2 persons per bed space)	50
Motels (figure 2 persons per bed space)	40
Theaters (per auditorium seat)	5
Airports (per passenger)	5
Retail Stores (per toilet room for customer use)	650
Retail Stores (per employee per shift – add 100 gallons/day for each utility sink)	15
Service Stations (per vehicle served)	15
Churches without kitchen (seating capacity)	5
Churches with kitchen (seating capacity)	15
Recreational Vehicle Parks (without sewer and water hookups – with central toilets and showers – per space)	50
Recreational Vehicle Parks (with sewer and water hookups – with central toilets and showers – per space)	100
Boarding Houses (per person)	50
Campgrounds (with central comfort station – with flush toilets and showers – per space)	50
Campground (with central comfort station – without showers – per space)	25
Picnic Parks (flush toilets only – per person)	5
Picnic Parks (with flush toilets – bathhouse and showers – per person)	10
For uses not listed in this table, the upper range values in Onsite Wastewater Treatment Systems Manual, February 2002, EPA/625/R-00/008, as amended, United States Environmental Protection Agency, shall be used. If the type of facility is not listed in the EPA design manual, design flows from one of the following shall be used:	
(A) Design Standards for Large On-site Sewage Systems, 1993, Washington State Department of Health (available upon request to the department); or	
(B) Criteria for Sewage Works Design, revised November 2007, Washington State Department of Ecology (available online).	

¹For buildings other than single-family residences the requirements of Section 13.28.020(B) shall be met. (R&R No. 08-03 § 107, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 4 § 7, 12-19-86).

Chapter 13.32
BUILDING SEWERS

Sections:

- 13.32.010 General.
- 13.32.020 Pipe specifications.
- 13.32.030 Joints and grading.
- 13.32.040 Pipe bends.
- 13.32.050 Cleanouts.
- 13.32.060 Minimum horizontal separation.

13.32.010 General. Construction, materials, distance separations and other specifications shall be as set out in this chapter. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A), 12-19-86).

13.32.020 Pipe specifications. Pipe for constructing the building sewer shall be a minimum of four inches (4") inside diameter and be cast-iron or plastic composition which complies with the current King County Plumbing Code. Polyvinyl chloride pipe shall comply with American Society of Testing Materials (ASTM) specification D-3034 as a minimum. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A)(1), 12-19-86).

13.32.030 Joints and grading. Construction of the building sewer line shall be such as to secure watertight joints and it shall be on a grade of not less than one eighth inch (1/8") per foot. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A)(2), 12-19-86).

13.32.040 Pipe bends. No straight T's or ninety degree (90°) ells shall be permitted in the building sewer line and all forty-five degree (45°) or more acute bends shall have accessible cleanouts. Sanitary T's shall be acceptable. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A)(3), 12-19-86).

13.32.050 Cleanouts. Building sewers of four-inch diameter shall have cleanouts installed at intervals of not more than fifty feet and building sewers of six inch diameter and larger shall have cleanouts installed at intervals of not more than one hundred feet. One cleanout shall be placed between the house and the septic tank with access to grade. (R&R No. 08-03 § 108, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A)(4), 12-19-86).

13.32.060 Minimum horizontal separation. Minimum horizontal separations shall be as indicated in Table 13.28-2 (Horizontal Setbacks). (R&R No. 08-03 § 109, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 1(A)(5), 12-19-86).

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Chapter 13.36
WASTEWATER TANKS

Sections:

- 13.36.010 Design standards.
- 13.36.020 Construction.
- 13.36.030 Location, installation and maintenance.

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13.36.010 Design standards.

A. No septic tank, effluent pump tank, sewage holding tank, grease trap or any other sewage tank may be installed in King County unless:

1. The tank is included on the DOH publication, List of Approved On-site Sewage Tanks;
2. The tank conforms to the DOH publication, Recommended Standards and Guidance for Performance, Application, Design, Construction, Installation and Testing On-site Sewage System Tanks, July 1, 2007, as amended; and
3. The health officer has approved plans for the tank installation. Such plans shall show all dimensions, reinforcing, structural details and other pertinent data as required by the health officer. Upon approval by the health officer, the plans will be assigned an official number.

B. Tanks made of materials other than concrete shall be approved by the secretary prior to approval by the health officer.

C. No pre-cast wastewater tank may be installed except those which are included on the registered list and have been clearly and legibly marked on the upper surface of the lid showing the number assigned by the health officer, name of the manufacturer, tank model number, tank capacity in gallons and date of manufacture.

D. No metal septic tanks shall be installed in areas under the jurisdiction of the department.

E. All septic tanks, whether they are installed or used singly, in series or in a divided system, must be designed according to waste load and in no case shall have a total capacity of less than one thousand five hundred gallons, except by written permission of the health officer.

**Minimum Capacities for
Single-Family Residence Septic Tanks**

Number of Bedrooms	Minimum Liquid Capacity Below Outlet Invert (Gallons)
4 or less	1500
Each additional bedroom, add	250
Garbage grinder installed, add ¹	250

1. Use of garbage grinders increases settleable and floatable solids accumulations in the septic tank, increases wastewater strength and thus increases the potential for system failure especially if frequent and regular tank monitoring and maintenance is not performed. Therefore, use of garbage grinders is not recommended (See Section 13.60.005(A)(3)).

F. No septic tank with a compartment smaller than two hundred fifty gallons liquid capacity may be installed.

G. A septic tank designed to service any facility except a single-family residence or multiple family housing shall have a liquid capacity at least equal to three times the projected design flow, with a minimum of one thousand five hundred gallons. Septic tanks serving multiple family housing shall have a minimum liquid capacity equal to two times the projected design flow but not less than one thousand five hundred gallons.

H. All septic tanks or combinations of tanks installed shall provide at least two compartments. No wastewater tanks may be joined below the normal inverts unless otherwise preapproved by the health officer.

I. When multi-compartment tanks or two or more tanks in series are used, the first compartment or tank shall have a liquid capacity of two-thirds to three quarters of total required liquid capacity.

J. The minimum liquid capacity of a tank receiving intermittent use shall be determined from the maximum expected daily waste load, but shall in no case be less than one thousand five hundred gallons.

K. The plan review fee shall be as specified in the fee schedule, payable at the time of initial plan submission. In addition to the initial plan review fee, a revision review fee shall be assessed as specified in the fee schedule, payable at the time of completion of the plan review, for review of any resubmissions, corrections or additions required. (R&R No. 08-03 § 110, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 77 § 5, 12-11-91: R&R No. 3 Part 5 § 2(A), 12-19-86).

13.36.020 Construction.

No wastewater tank may be sold for installation, or installed which does not comply with this title.

A. Wastewater tanks shall be constructed of sound and durable materials not subject to corrosion or excessive deterioration and shall be watertight, constructed and installed to prevent the entrance of rainwater, surface drainage or groundwater. Baffles shall be of rigid material and secured to the compartment wall.

B. Newly installed septic tanks shall be equipped with a removable cartridge-type outlet baffle filter. An inspection/cleanout access port of sufficient diameter with a secured lid at or above finished grade shall be provided to allow convenient access for filter inspection and cleaning.

C. Septic tanks must be provided with a maintenance access port or removable cover for each compartment (minimum dimension eighteen inches) for septic tank inspection and sludge removal. All baffles shall have removable covers or properly placed maintenance access ports with a minimum diameter of six inches, and the maintenance access cover or inlet and outlet covers shall have adequate permanent handles. If effluent filters are used, access to the filter at finished grade is required.

D. In each septic tank the inlet baffle or submerged pipe shall extend approximately six inches below the liquid surface and above the liquid surface at least to the crown of the inlet sewer.

E. In each septic tank the outlet baffle or submerged pipe shall extend below the liquid level a distance approximately equal to twenty-eight percent to forty percent of the liquid depth, and these baffles or pipes shall extend at least six inches above the liquid level to provide for scum storage.

F. Septic tanks shall have at least one inch between the under side of the top of the tank and top of inlet and outlet pipes or baffles to allow the required ventilation of the tank and disposal field through the main building vent stacks.

G. The invert of the inlet pipe in each septic tank must be at least three inches above the outlet invert.

H. Each compartment dividing wall shall have a minimum four inches diameter opening, the invert of which is a minimum of one inch and a maximum of three inches below the outlet invert. A baffle shall be located on the inlet side of the wall and shall extend a minimum of eighteen inches below the outlet and shall extend a minimum of six inches above the liquid level. (R&R No. 08-03 § 111, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 2(B), 12-19-86).

13.36.030 Location, installation and maintenance.

- A. Minimum separation distances shall be as indicated in Table 13.28-2.
- B. No septic tank or dosing tank shall be located under paving unless the maintenance access and inspection ports are extended up through the paving and the maintenance access port is equipped with a locking-type cover and is approved as a traffic-bearing tank.
- C. Each septic tank compartment shall be equipped with locking type maintenance access ports extending to grade to provide access for preventive maintenance inspections or sludge removal. Maximum riser height shall not exceed three feet.
- D. It is unlawful to construct, maintain, own or operate any septic tank or other receptacle for human excrement that directly or indirectly discharges sewage upon the surface of the ground, or into any waters of the state.
- E. Sewage tanks shall be located in an area or areas accessible for periodic inspection and sludge removal.
- F. Sewage tanks shall be located, installed and maintained to preclude surface and ground water from entering the tank. Sewage tanks shall be installed so that the outlet invert is higher than the maximum seasonal water table.
- G. Unless otherwise provided by the health officer in writing, all sewage tanks shall be tested and demonstrated to be watertight in accordance with the method prescribed ASTM C127-07a Section 9.1.1-Vacuum Testing or 9.1.2-"Hydrostatic Testing" following installation and prior to being put into service by the project design engineer, designer or installer. Results of this test shall be available for review by the health officer at the time of final inspection. The designer shall submit verification of this testing with the record drawing documents.
- H. Sewage tanks shall be installed and bedded according to the manufacturer's directions and upon a level, stable base that will not settle. Instructions for installation shall be supplied by the manufacturer to the OSS designer or installer of record at the time of installation. (R&R No. 08-03 § 112, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 2(C), 12-19-86).

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**Chapter 13.40
PUMP TANKS**

Sections:

- 13.40.001 Specifications - general.
- 13.40.005 Location.
- 13.40.010 Siphon or pump requirements.
- 13.40.020 Manholes.
- 13.40.030 Size requirement.
- 13.40.040 Pump switch location.
- 13.40.050 Sewage effluent pump specifications.

13.40.001 Specifications - general.

A. No pump chamber shall be manufactured for use in King County, constructed or installed unless it is included on the registered list.

B. Pumps, fittings and controls shall be provided and installed in accordance with the Recommended Standards and Guidance for Pressure Distribution Systems, Washington State Department of Health as amended and Figure 13.40-1 of this title.

C. Pumps and electrical wiring shall conform to all applicable state and local electrical codes and the permanent wiring shall be installed prior to notification of the health officer for final inspection.

D. Except by written permission of the health officer, pump tanks shall be at least one thousand five hundred gallons liquid capacity. (R&R No. 08-03 § 113, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.40.005 Location.

A. Minimum separation distances shall be as indicated in Table 13.28-2.

B. Pump tanks shall be located in an area or areas accessible for periodic inspection, maintenance and sludge removal.

C. For systems using pumps, clearly accessible controls and warning devices are required including:

1. Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;
2. Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and
3. Audible and visual alarms designed to alert a resident of a malfunction. The alarm is to be placed on a circuit independent of the pump circuit.

D. Pump tanks shall be located, installed and maintained to preclude surface and ground water from entering the tank and shall be tested and demonstrated to be watertight in accordance with the methods prescribed in BOH chapter 13.36 of this title following installation and prior to being put into service. (R&R No. 08-03 § 114, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.40.010 Siphon or pump requirements. Dosing systems shall be equipped with an automatic siphon or pump or duplicate alternating siphons or pumps. (R&R No. 08-03 § 115, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 3(A), 12-19-86).

13.40.020 Manholes. Pump chambers shall be equipped with locking-type manholes extending to grade to provide access to the dosing tank for inspection and maintenance. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 3(B), 12-19-86).

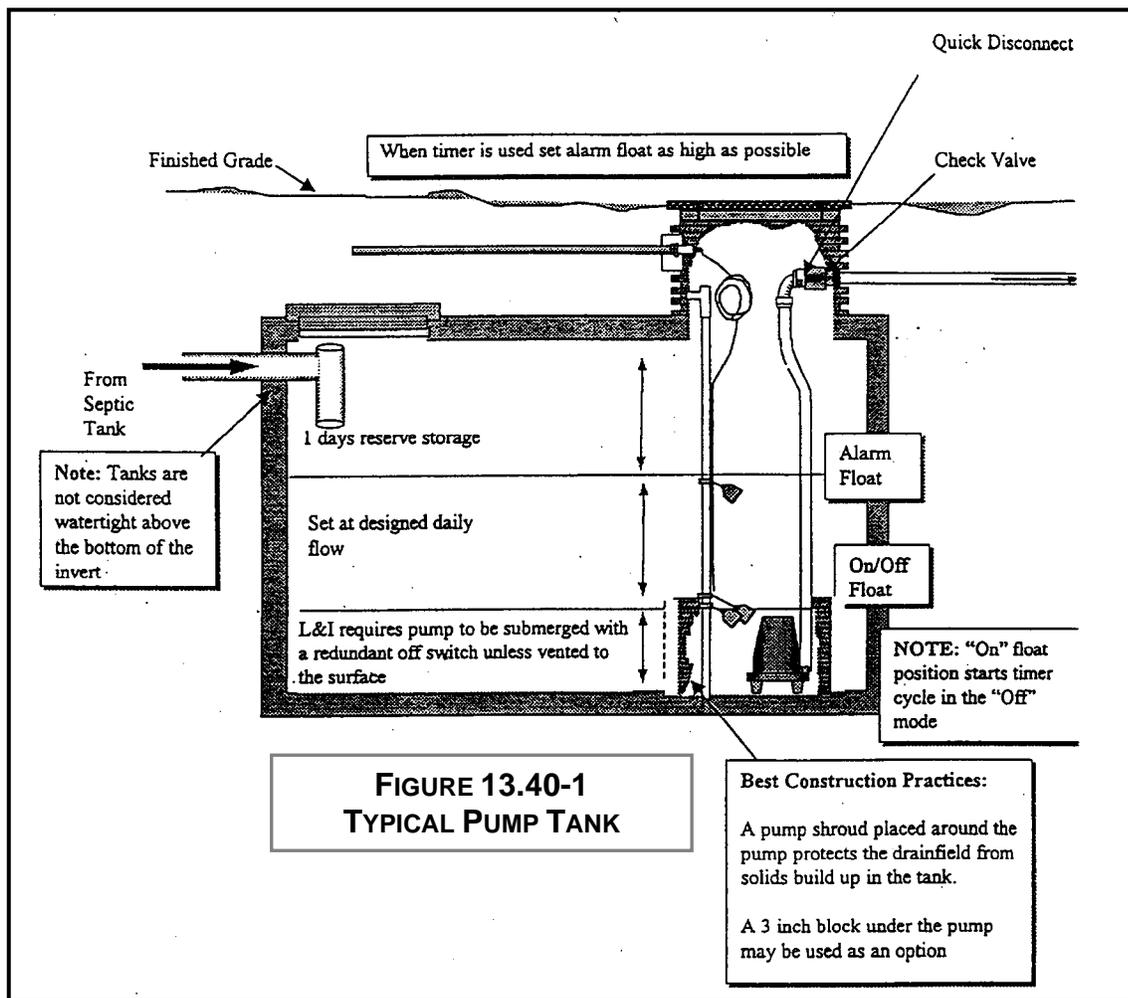
13.40.030 Size requirement. The dosing tank shall be of sufficient size so as to provide the required one day's total dosing gallonage plus one day's estimated waste volume but shall not be less than one thousand five hundred gallons. (R&R No. 08-03 § 116, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 3(C), 12-19-86).

13.40.040 Pump switch location. Effluent pump switching mechanisms shall not be located within the effluent tank, except for sealed floats. (R&R No. 08-03 § 117, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 3(D), 12-19-86).

13.40.050 Sewage effluent pump specifications. Designs utilizing sewage effluent pumps shall specify:

- A. A minimum three-inch separation between the bottom of the pump tank and the pump intake opening; however, a pump shroud may be used in place of the three inch block to preclude solids from entering the pump;
- B. A disconnect union or an appropriate disconnect device;
- C. A check valve on the outlet side of a union;
- D. Filtering for pumps, if provided, must meet the following minimum criteria:
 1. One-eighth inch mesh size;
 2. Noncorrosive material;
 3. Cannot interfere with switches or floats; and
 4. Easily removable for cleaning.
- E. Pumps or dosing devices shall be specified by the manufacturer as suitable for the intended purpose.

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(R&R No. 08-03 § 118, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 3(E), 12-19-86).

*Reviser's note: Graphic not included but not deleted in R&R No. 08-03 § 118.

(KCBOH 9-2008)

Chapter 13.44
DISTRIBUTION AND INSPECTION BOXES

Sections:

13.44.010 Specifications--general.

13.44.010 Specifications--general.

A. No inspection box or distribution box shall be manufactured, sold or installed which is not constructed of durable, watertight materials and which is not equipped with an adequate removable cover.

B. The inspection box or distribution box shall be set on a concrete pad or tamped crushed rock to prevent misalignment.

C. The inspection box or distribution box shall be constructed and installed so the inlet invert is not less than four inches above the level of the outlet invert or inverts, and the outlet inverts shall be not less than two inches above the floor of the box.

D. The inspection box or distribution box shall be installed with at least thirty-six inches of four-inch tightline extending from each outlet. There shall be no drainrock within thirty-six inches of the inspection box.

E. There shall be no driving, parking, paving, or construction over the distribution or inspection box.

F. The distribution or inspection box shall have an inspection access with a secured lid at finished grade. (R&R No. 08-03 § 119, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 5 § 4, 12-19-86).

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**Chapter 13.48
DRAINFIELDS (SSAS)**

Sections:

- 13.48.010 Specifications.
- 13.48.020 Interconnected loop drainfields.
- 13.48.030 Serial distribution drainfields.
- 13.48.040 Equal distribution drainfields.
- 13.48.050 Dosing systems.
- 13.48.060 Pressure distribution systems.

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13.48.010 Specifications.

A. No OSS may be constructed unless there has first been a soil evaluation for the site completed in the manner described in BOH 13.28.050 to determine type, size and location of the OSS. SSAS design and construction shall be in accordance with the following:

1. Maximum bottom width of trenches shall be twenty-four inches except a maximum width of up to thirty-six inches may be allowed provided that:

a. for soil types 1 through 4 the SSAS is at least pressure distribution in accordance with BOH 13.48.060 (pressure distribution systems); and

b. for soil types 5 and 6 the effluent shall meet the next higher treatment level as indicated in table 13.28-1 unless treatment level B is already required prior to discharge to the SSAS; and

c. the slope does not exceed thirty percent.

2. Beds are allowed only in excessively permeable soils consisting of very gravelly coarse sands or coarser, extremely gravelly soils. SSAS installed in beds must be pressure distribution and meet treatment level B or greater.

3. The maximum depth of soil cover over the top of SSAS drainrock shall not exceed twenty-four inches except by written permission of the health officer. The infiltrative surface or bottom of the drainfield shall not be deeper than thirty-six inches below the finished grade.

4. The minimum depth of soil cover over drainrock shall not be less than twelve inches unless otherwise authorized by the health officer.

5. Minimum depth of drainrock under drainfield lines shall not be less than six inches.

6. The amount of drainrock over drainfield lines shall not be less than two inches.

7. Drainrock shall be clean, washed, uniformly graded, nondeteriorating gravel, size three-eighths inches to seven-eighths inches or three-quarters inches to one-and-one-half inches with no visible fine particles adhering to gravel surfaces and with the percent by weight passing the U.S. No. 200 sieve not greater than 0.5 percent.

8. Minimum separation between drainfield trench side walls shall not be less than four feet of undisturbed soil for soil texture types 1, 2, and 3 and shall not be less than six feet for soil texture type 4, 5 and 6.

9. Individual laterals greater than one hundred feet in length must use pressure distribution.

10. No gravelless drainfield system may be installed unless it satisfies the requirements of BOH 13.52.054.

11. The designer shall specify, in the OSS design, the SSAS cover material to be used and shall verify, in the record drawing, that the cover material used conforms with the design specifications.

B. Horizontal separations shall be maintained in accordance with BOH 13.28.030W and Table 13.28-2.

C. No drainfield pipes shall be installed unless all fittings are rigidly joined together in accordance with the pipe manufacturer's directions.

D. Approved rigid drainfield pipe, such as PVC, shall be used, but only if stakes are placed in the trench center at not more than five-foot intervals to maintain grade and a transit level laser or equally accurate instrument shall be used to assure that proper grade is maintained.

E. No drainfield shall be installed that requires a change in grade and earth cover unless terracing is accomplished by the use of a suitable plastic or concrete drop box or by use of rigid plastic pipe with glued joints (overflow stepdown). Such installation shall have an earth dam twenty-four inches thick preceding terracing. Earth dams shall consist of original undisturbed soil.

F. Not less than one drainfield trench monitoring port of at least four inches in diameter, which is anchored, with an easily removable cover that extends to finished grade, shall be installed down to the infiltrative surface in each drainfield lateral.

G. No OSS shall be installed unless the pipe lines between the building and the septic tank, the septic tank and the distribution box, under paved areas, and within ten feet of any buildings, shall be constructed of plastic, or cast-iron pipe laid with watertight joints. The pipe materials shall conform to material specifications of the Uniform Plumbing Code.

H. No drainfield shall be installed that, after installation of the gravel over the pipe, is not then covered with a geotextile barrier material that meets the specifications of Section 5, Design Standards for Large On-site Sewage Systems, December 1993, amended July 1994, Washington State Department of Health, as amended.

I. No drainfield shall be installed under driveways, roadways, parking areas, paved areas or under areas subject to compaction by vehicular traffic.

J. Pipe used for construction of gravity drainfield lines shall be a minimum of four inches inside diameter and constructed of rigid materials conforming with ASTM F481-02, as amended.

K. Pipe used for construction of tightline must comply with the current Uniform Plumbing Code.

L. SSAS shall be installed in undisturbed native soil. Trees or tree stumps greater than eighteen inches in diameter, when measured two feet above grade, shall be left standing, cut at ground level, burned in place, or managed by other methods acceptable to the health officer that will avoid disturbing the soil. (R&R No. 08-03 § 120, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 5, 12-19-86).

13.48.020 Interconnected loop drainfields.

A. The slope of ground surface within the drainfield area may not exceed 0.5 percent in any direction.

B. The bottom of the trenches and the drain lines must be level to a tolerance of plus or minus one inch in one hundred feet.

C. The invert of the drainfield line must be at least six inches lower than the outlet invert of the septic tank.

D. The drainfield lines must be continuous and interconnected with at least two connections to the inspection box. Cross-gridding of drainfield lines is not allowed in computation of total square footage of the drainfield area. For the purpose of this section, cross-gridding refers to the placement of multiple connection points between parallel drainfield lines to increase square footage as calculated by the total trench bottom area, which is length times width, of all drainfield lines. (R&R No. 08-03 § 121, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 5 § 6, 12-19-86).

13.48.030 Serial distribution drainfields.

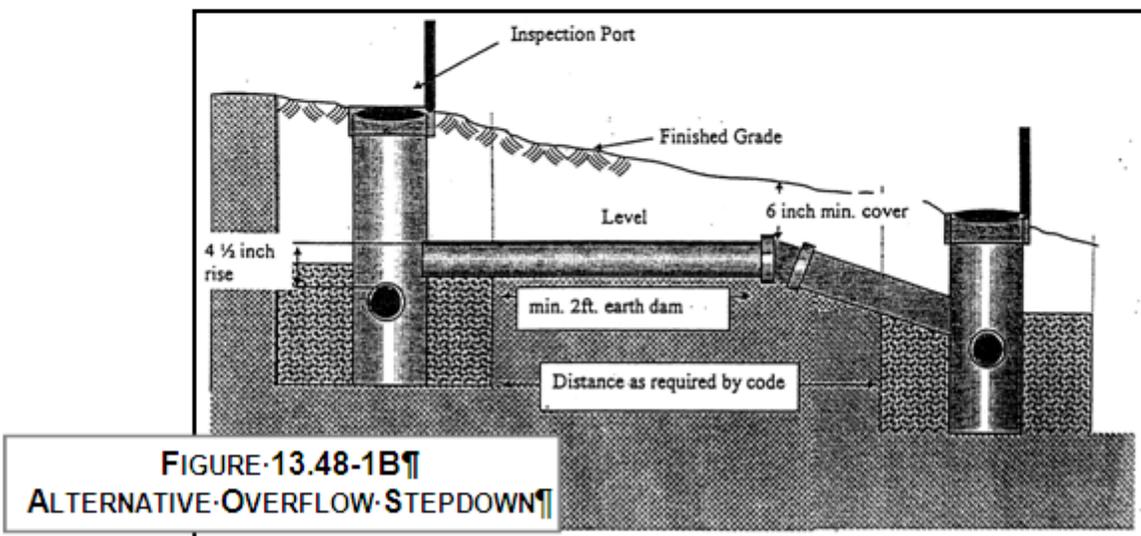
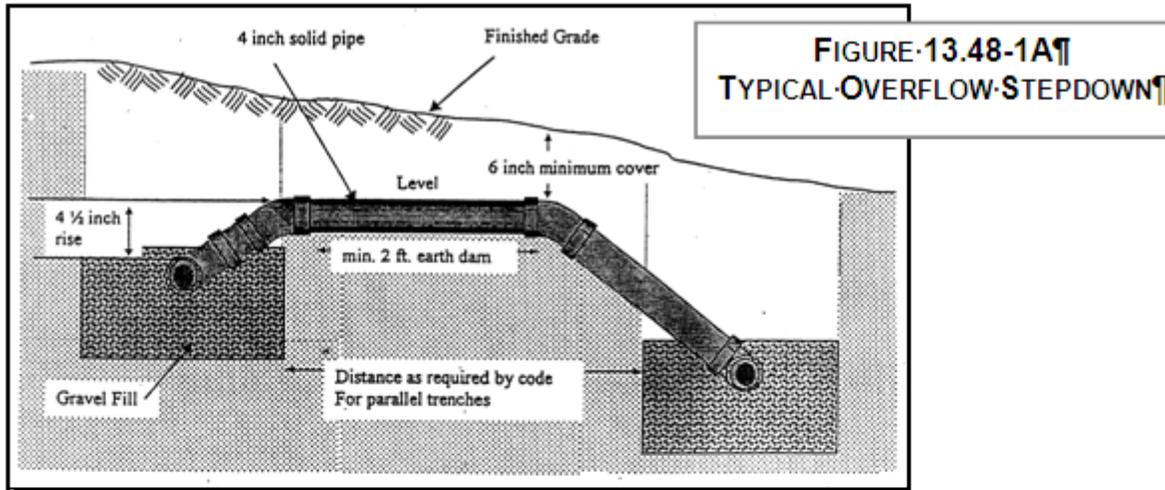
A. The slope of ground surface in the drainfield area must equal or exceed 0.5 percent in any direction.

B. The bottom of the trenches and the drain lines shall be level to a tolerance of plus or minus one inch in one hundred feet.

C. The trenches shall follow the ground surface contours.

D. Adjacent trenches shall be connected with an overflow stepdown tightline in such a manner that each trench is filled with effluent to the depth of the gravel at the top of the drainline before flowing to succeeding trenches. The drop box method of distribution, as described in the United States Environmental Protection Agency Design Manual, is an alternative to the overflow stepdown method of distribution.

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E. The invert of the overflow line from the first trench must be at least four inches lower than the outlet invert of the septic tank.

F. All serial distribution systems shall divide the system into halves. The inverts of the outlets of the distribution box must be at least one inch higher than the invert of any overflow pipe in the drainfield.

G. The drainfield shall be provided with an inspection or distribution box at the head of the system. (R&R No. 08-03 § 122, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 5 § 7, 12-19-86).

***Reviser's note: Graphic not included but not deleted in R&R No. 08-03 § 122.**

13.48.040 Equal distribution drainfields.

A. No individual line of more than one hundred feet (100') shall be installed nor shall any lines be subdivided unless the effluent is applied by pressure distribution.

B. The drainfield shall be provided with a distribution box or directed dosing device which provides equal flow of effluent to all lines.

C. All lines shall be approximately the same length. The longest line shall not exceed the shortest by more than ten percent (10%).

D. Maximum grade of the bottom of gravity distribution drainfield trenches and drainfield pipe shall not exceed a tolerance of plus or minus one inch (1") in one hundred feet (100'). (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 5 § 8, 12-19-86).

13.48.050 Dosing systems.

A. Any drainfield of more than six hundred feet (600') in total length of two foot (2') wide trench or any three foot (3') wide trench shall have pressure distribution.

B. No system of effluent gravity distribution using lift pumps or other dosing devices shall be permitted which does not limit the dosing at each pumping interval to a maximum volume of seventy-five percent (75%) and a minimum volume of sixty percent (60%) of the capacity of the disposal field pipe, nor shall such dosages exceed ten (10) minutes.

C. Pumps or other dosing devices shall be approved by the health officer. Pressure switches shall not be acceptable. Permanent electrical connection from the structure to the pump system shall be in accordance with applicable electrical codes prior to final OSS approval. (R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 5 § 9, 12-19-86).

13.48.060 Pressure distribution systems.

A. Pressure distribution systems shall be designed in accordance with the specifications contained in the current edition of Recommended Standards and Guidance for Pressure Distribution Systems, July 1, 2007, published by the Washington State Department of Health, as amended, except where modified by or in conflict with this title.

B. Monitoring and maintenance shall be in accordance with BOH 13.60.010. (R&R No. 08-03 § 123, 2008; R&R No. 99-01 § 2 (part), 3-19-99).

Chapter 13.52
ALTERNATIVE METHODS

Sections:

- 13.52.010 Holding tanks.
- 13.52.020 Composting and incineration toilets.
- 13.52.030 Mound systems.
- 13.52.040 Aerobic treatment units (ATU).
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- 13.52.054 Gravelless drainfield systems.
- 13.52.055 Proprietary packed bed filter system.
- 13.52.056 Upflow media filter systems.
- 13.52.057 Subsurface drip systems (SDS).
- 13.52.058 State-approved new on-site sewage system technologies.
- 13.52.060 Product development permits.

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13.52.010 Holding tanks.

A. Sewage holding tanks may be permitted only for controlled, nonresidential usage or as an interim method to handle emergency situations or to correct existing problem systems; provided, that an on-site system management program satisfactory to the health officer has been established to assure on-going operation and maintenance.

B. In addition, the applicant must provide a no-protest agreement with the sewerage authority or a signed petition supporting formation of a ULID if the property is within a sewer service area.

C. Design plans shall be submitted to the health officer for review. The design and operation shall be in accordance with this title and with Guidelines for Holding Tank Sewage Systems, July 2007, Washington State Department of Health, as amended. The application shall include specifications for the anticipated daily sewage load, the tank capacity, the alarm device, the overflow elevation, the location of the tank, and any other information pertinent to the installation.

D. A minimum bond of five thousand dollars must be filed with the health officer or management authority to guarantee cleanup in case of accidental spill and/or repair of the system.

E. A copy of a pumping contract with a certified OSS pumper must be filed with the department.

F. An OSS installation permit must be obtained prior to installation of the tank.

G. Monitoring and maintenance shall be in accordance with BOH 13.60.010. (R&R No. 08-03 § 124, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 6 § 1, 12-19-86).

13.52.020 Composting and incineration toilets.

A. There shall be an adequate system as defined by the health officer for treatment and disposal of gray water. Anticipated water use shall be specified.

B. Composting toilets and incineration toilets shall be designed, installed, operated and maintained in accordance with the Recommended Standards and Guidance for Performance, Application, Design, and Operation & Maintenance, Water Conserving On-site Wastewater Treatment Systems, July 2007, Washington State Department of Health, or as amended and with the registered list.

C. Removal and disposal of composted materials shall be done in a manner which complies with Recommended Standards and Guidance for Performance, Application, Design, and Operation & Maintenance, Water Conserving On-site Wastewater Treatment Systems, July 2007, Washington State Department of Health. The method for disposal shall be specified for each installation.

D. Sufficient area shall be available for a one hundred percent primary and reserve area. The department may grant a reduction of up to fifty percent in septic tank size, and up to forty percent in installed drainfield size if the compost or incineration system is consistent with this title. In no case, however, shall the tank size be less than seven hundred fifty gallons. Further, there shall be recorded and filed a restrictive covenant running forever with the land, on the title of the affected property, and binding upon and benefiting all parties having any right, interest, or title in the property or any part thereof, and their heirs, successors and assigns. The covenant shall include the following:

1. A description of the waterless toilet installed and the alteration that would be necessary to convert to a water carried toilet system.

2. A covenant of agreement to maintain such system in proper working order.

3. A covenant of agreement that any alteration, change or modification to the OSS will not be undertaken without a new site application and approval by the health officer.

E. Monitoring and maintenance shall be performed in accordance with BOH 13.60.010. (R&R No. 08-03 § 125, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 6 § 2, 12-19-86).

13.52.030 Mound systems.

A. Mound systems shall be designed in accordance with this title and the specifications contained in Recommended Standards and Guidance for Mound Systems, Washington State Department of Health, as amended. However, in no case shall a mound system be installed in areas with less than eighteen inches of original permeable soil except as provided in BOH 13.28.030S and Table 13.28-1.

1. Soil depth shall be demonstrated by at least one soil log hole in the bed area and, if on a slope greater than five percent, one soil log in the thirty-foot downslope setback area.

2. All mound footprints, primary and reserve are to be staked in the field and cleared of vegetation sufficient to determine the contours for proper orientation and alignment.

3. Mound beds shall have at least one inspection port at each end of the bed to the sand and gravel interface.

B. The owner shall provide a recorded covenant agreeing to operate, maintain and report the performance of the system in accordance with the Recommended Standards and Guidance for Mound Systems, Washington State Department of Health as amended, and this title. The owner shall maintain in effect at all times a maintenance contract with a service provider who is approved by the health officer.

C. Monitoring and maintenance of any mound system shall be performed in accordance with BOH 13.60.010. (R&R No. 08-03 § 126, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 6 § 3, 12-19-86).

13.52.040 Aerobic Treatment Units (ATU).

A. No ATU may be installed unless it is included on the registered list. ATUs shall be designed, installed, operated and maintained in accordance with this title, with the specifications contained in Recommended Standards and Guidance for On-site Wastewater Treatment Systems Proprietary Treatment Products, July 1, 2007, Washington State Department of Health, as amended, and with the manufacturer's instructions.

B. For uses requiring treatment level A or B, those ATUs needing disinfection to meet the appropriate required treatment level shall have been tested and approved as meeting that treatment level by the National Sanitation Foundation and DOH with a disinfection unit as specified by the manufacturer installed as a component of the tested and approved unit. Disinfection by chlorination may be used only on property adjacent to a marine shoreline.

C. Unless waived by the health officer, soil absorption area shall be computed in accordance with BOH 13.28.070.

D. Monitoring and maintenance of ATUs shall be performed in accordance with BOH 13.60.010.

E. The owner shall provide a recorded covenant agreeing to operate, maintain and report the performance of the system in accordance with the manufacturer's recommendations and this title and to also maintain in effect at all times a maintenance contract with a service provider to provide performance monitoring and maintenance services in accordance with BOH chapter 13.60. (R&R No. 08-03 § 127, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.52.050 Sand filters.

A. Sand filters shall be designed in accordance with this title and the specifications contained in Recirculating Gravel Systems July 1, 2007, and Stratified Sand Filter Treatment Systems, July 1, 2007, Washington State Department of Health, as amended.

B. Monitoring and maintenance shall be performed in accordance with BOH 13.60.010.

C. No sand filter may be installed unless it is included on the registered list and designed for uses requiring treatment level A or B. Any proprietary sandfilters needing disinfection to meet the appropriate required treatment level shall have been tested and approved as meeting that treatment level by the National Sanitation Foundation and DOH with a disinfection unit, as specified by the manufacturer, installed as a component of the tested and approved filter unit. Disinfection by chlorination may be used only on property adjacent to a marine shoreline.

D. The owner shall provide a recorded covenant agreeing to operate, maintain and report the performance of the system in accordance with the manufacturer's recommendations and this title and to also maintain in effect at all times a maintenance contract with a service provider who is approved by the manufacturer and the health officer. (R&R No. 08-03 § 128, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 6 § 5, 12-19-86).

13.52.054 Gravelless drainfield systems.

A. No gravelless drainfield system may be installed unless it is included on the approved list. All gravelless drainfield systems shall be designed, installed and maintained in accordance with this title, with the registered list, with the specifications contained in Recommended Standards and Guidance for Gravelless Distribution Technologies (or Products), July 1, 2007, Washington State Department of Health, as amended, and with the manufacturer's directions.

B. Unless waived by the health officer, soil absorption area shall be computed in accordance with BOH 13.28.070.

C. Monitoring and maintenance shall be in accordance with BOH 13.60.010. (R&R No. 08-03 § 129, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.52.055 Proprietary packed bed filter systems.

A. No proprietary packed bed filter system may be installed unless it is included on the registered list. Proprietary packed bed filter systems shall be designed, installed and maintained in accordance with this title, with the registered list, and the specifications contained in Recommended Standards and Guidance for On-site Wastewater Treatment Systems Proprietary Treatment Products, July 1, 2007, Washington State Department of Health, as amended, and with the manufacturer's directions. For uses requiring treatment level A or B, those proprietary packed bed filter systems needing disinfection to meet the appropriate required treatment level must have been tested and approved as meeting that treatment level by the NSF and DOH with a disinfection unit as specified by the manufacturer and installed as a component of the tested and approved unit. Disinfection by chlorination may be used only on property adjacent to a marine shoreline.

B. Unless waived by the health officer, the soil absorption area for proprietary packed bed filter systems shall be computed in accordance with BOH.28.070.

C. Monitoring and maintenance of proprietary packed bed filter systems shall be performed in accordance with BOH.60.010.

D. The owner shall provide a recorded covenant agreeing to operate, maintain and report the performance of the system in accordance with the manufacturer's recommendations, as applicable, and this title and to also maintain in effect at all times a maintenance contract with a service provider to provide performance monitoring and maintenance services in accordance with the requirements of BOH chapter 13.60. (R&R No. 08-03 § 130, 2008).

13.52.056 Upflow media filter systems.

A. No upflow media filter system may be installed unless it is included on the registered list. All upflow media filter systems shall be designed, installed and maintained in accordance with this title, with the registered list, and the specifications contained in Recommended Standards and Guidance for On-site Wastewater Treatment Systems Proprietary Treatment Products, July 1, 2007, Washington State Department of Health, as amended, and with the manufacturer's directions.

1. Soil depth shall be demonstrated by at least one soil log hole in the basin area and, if on a slope greater than five percent, one soil log hole in the thirty feet downslope setback area as measured from the edge of the absorption area.

2. All upflow sand filter footprints, primary areas, and reserve areas shall be staked in the field and cleared of vegetation sufficient to determine the contours for proper orientation and alignment.

B. Unless waived by the health officer, soil absorption area shall be computed in accordance with BOH 13.28.070.

C. Monitoring and maintenance of upflow media filter systems shall be performed in accordance with BOH 13.60.010.

D. The owner shall provide a recorded covenant agreeing to operate, maintain and report the performance of the system in accordance with the manufacturer's recommendations and this title and to also maintain in effect at all times a maintenance contract with a service provider to provide performance monitoring and maintenance services in accordance with BOH chapter 13.60. (R&R No. 08-03 § 131, 2008).

13.52.057 Subsurface drip systems (SDS).

A. No subsurface drip system shall be installed unless it is included on the registered list. All subsurface drip systems shall be designed, installed and maintained in accordance with this title, with the registered list, and the specifications contained in Recommended Standards and Guidance for Subsurface Drip Systems, July 1, 2007, Washington State Department of Health, as amended, and with the manufacturer's directions.

B. Any subsurface drip system shall be used with the addition of a treatment level B system.

C. Timed dosing is required.

D. The dripline must be installed a minimum of six inches into original, undisturbed soil.

E. Two-foot spacing between driplines is the minimum allowed, unless otherwise waived by the health officer.

F. A subsurface drip system may be used wherever this title requires pressure distribution.

G. Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:

1. Be located only in soil types 1 through 5; and

2. Be located only on slopes of less than thirty percent, or seventeen degrees. (R&R No. 08-03 § 132, 2008).

13.52.058 State-approved new on-site sewage system technologies. No on-site sewage system technology submitted to the health officer for design approval after the effective date of this title will be approved for installation or installed unless it is included on the registered list and has standards for its use detailed in either WAC 246-271A-0100 or in recommended standards and guidance documents issued by the Washington state Department of Health, or is subject to a valid product development permit issued by the health officer. The health officer is authorized to adopt rules, policies or procedures not inconsistent with the provisions of this title to restrict or limit the use of new on-site sewage system technologies or to approve, deny or limit the use of new on-site sewage system technologies for new construction or repairs. (R&R No. 08-03 § 133, 2008).

13.52.060 Product development permits.

A. No person may install and test or use any proprietary OSS technology not currently approved or listed by the Washington state Department of Health without first obtaining from the health officer a valid annual product development permit in accordance with WAC 246-272A-0170.

B. All costs for performance and data monitoring and reporting to the health officer shall be the responsibility of the owner. The health officer may charge for such additional costs involved in monitoring and reporting on each proprietary component or sequence installed as is necessary to recover reasonable expenses. (R&R No. 08-03 § 134, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 6 § 6, 12-19-86).

Chapter 13.56
INSTALLATION AND INSPECTION

Sections:

- 13.56.010 General installation requirements.
- 13.56.020 Preinstallation inspection.
- 13.56.030 On-site system inspection.
- 13.56.040 Installation and backfilling.
- 13.56.045 Construction of on-site sewage systems.
- 13.56.050 Record drawing.
- 13.56.054 Notice on title.
- 13.56.060 Approval.

13.56.010 General installation requirements.

A. All OSS shall be constructed and installed in a manner that will accommodate all sewage from the buildings and premises to be served, and in accordance with this title. Except as provided in BOH 13.20.035 and 13.20.040, only an installer holding a valid, current installer's certificate of competency may install, modify or repair an OSS.

B. If requested by the health officer, a master installer shall provide written certification that either the master installer or a certified associate installer was physically present during the entire installation or repair of any OSS installed or repaired under a permit issued to the master installer. In addition the installer shall:

1. Perform the installation or repair in accordance with the approved design;
2. Have the approved design in his or her possession during all phases of the installation or repair;
3. Maintain the permit at the site during all phases of the installation or repair;
4. Make no changes to the approved design without the prior authorization of the designer and the health officer;
5. Install only septic tanks, pump chambers, and holding tanks approved by DOH and the department;
6. Install the OSS to be watertight, except for the soil dispersal component;
7. Back fill with twelve to twenty-four inches of approved cover material and grade the site to prevent surface water from accumulating over any component of the OSS. (R&R No. 08-03 § 135, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 7 § 1, 12-19-86).

13.56.020 Preinstallation inspection. Once the building foundation has been constructed and the plumbing stub-out is installed, and before the installation of the OSS, the designer shall be physically present to inspect the site and plumbing stub-out pipe and determine compatibility with the original design and applicable regulations including: satisfactory water quality and quantity if using an individual private water source, building footprint, surface and subsurface drainage/seasonal water table conditions that may affect wastewater tank locations and on-site stormwater collection and infiltration systems. The designer must notify the department of the designer's decision in regards to the preinstallation inspection within five working days after the designer is requested to do the preinstallation inspection by the owner, the installer, or the health officer. The department may issue an installation permit only after the designer has notified the department in writing that the site is acceptable and meets the criteria of the original design and applicable regulations. If the OSS must be installed before construction of the building, the health officer may waive the plumbing stub-out portion of the preinstallation inspection requirement. (R&R No. 08-03 § 136, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 7 § 2, 12-19-86).

13.56.030 On-site system inspection.

A. The health officer may inspect, at any reasonable time, the proposed location of any OSS, the work done, or the material used in an OSS. If the health officer finds that the work done, or material used, is not in accordance with this title the health officer shall revoke the installation permit if the specified changes are not made within a reasonable time, and it shall be unlawful to use the OSS.

B. Newly Installed On-Site Sewage System.

1. Once a new OSS has been installed, but before it is covered, the installer shall notify the designer and owner that the system is ready for inspection. The designer shall then inspect the work within five working days. If the designer finds that the work is complete and in accordance with the approved design, the system performance specifications and this title, the installation permit shall be signed by the designer and then written notification shall be given to the health officer within one working day and the owner and installer instructed to leave the system open and uncovered for three working days after notification, so that the health officer may inspect it.

2. Should the designer disapprove the system, notification shall immediately be given to the health officer in writing. The designer shall also specify in writing to the owner and installer and health officer the changes to be made. Once the installer has corrected the system as specified by the designer, the designer shall be notified that the system is ready for inspection. The designer shall then inspect the system. If the designer finds that corrections have been made and that the system is in accordance with this title, the designer shall notify the department. Instructions shall be given to the owner and installer to leave the system open and uncovered for three working days so that the health officer may inspect it.

3. The designer shall inspect the installation within five working days after the backfilling operation has been completed.

4. If the work is in accordance with this title the designer shall submit to the department certification of system completion within thirty days of being notified by the installer. This certification shall include a detailed record drawing of the system, pursuant to BOH 13.56.050.

C. An OSS designed or installed by other than certified designers and installers may not be covered until the health officer has given written approval to cover. (R&R No. 08-03 § 137, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 7 § 3, 12-19-86).

13.56.040 Installation and backfilling. Backfilling operations may be done only by a certified master or associate installer under the OSS installation permit. Care must be taken to avoid any damage to the system. Unless otherwise authorized by the health officer, the OSS shall be backfilled within thirty days after health officer and designer approval of the installation. The backfill material should be mounded above natural grade to allow for settling and to channel runoff away from the system. The installer shall notify the designer within one working day of completion of backfill. (R&R No. 08-03 § 138, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 7 § 4, 12-19-86).

13.56.045 Construction of on-site sewage systems.

A. Except as provided in Sections 13.20.035, 13.20.040 and 13.68.010, only a currently certified installer shall construct, repair or modify an OSS, pursuant to Section 13.20.030.

B. The master installer shall ensure that and certify to the health officer that either he/she or a certified associate installer was physically present during the entire installation of any OSS that was installed or repaired under a permit issued to the master installer.

C. For systems installed by the resident owner, that person shall certify in writing that he/she was present at all times and personally constructed, installed or repaired the OSS. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 2 § 4, 12-19-86; Formerly BOH 13.20.050).

13.56.050 Record drawing.

A. Whenever a designer approves an installation, a completely scaled and dimensioned record drawing and certification of the approved OSS shall be prepared in triplicate by the designer of the system on forms provided by the health officer. These forms shall then be signed by the designer and within thirty days of notifying the health officer of system completion all three complete copies shall be submitted.

Where an installation, alteration or repair is undertaken without a design prepared by a designer, the installer or OSM performing the installation, alteration or repair shall provide a reconciled record drawing to the health officer and the OSS owner at the time of final inspection.

B. The following details are required for all record drawings:

1. An accurate plot plan, with measurements and directions accurate to within one-half of one foot, showing the locations of the essential components of the OSS including:

- a. all sewage tanks, tank pump out lids, tank inspection access ports and depth of tank burial.
- b. all plumbing stub outlets.
- c. building sewer line between building and septic tank.
- d. effluent transport line between septic tank and distribution box or inspection box.
- e. the ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS.

f. the distribution/inspection box.

g. all soil absorption system laterals and permanent visible marker locations. The length and width of each individual drainfield lateral shall be shown to scale and the total number of lineal feet and square footage of laterals specified on the drawing. A dimensioned reserve soil absorption system area shall be included.

h. the location of any unusual construction features such as step downs, in the drainfield laterals, must be clearly indicated.

i. distance between any drainfield laterals and the edges of any fill soils, cuts, banks, terraces, foundations, property lines, lakes, streams, wells or other water sources, water lines, driveways and impermeable surfaces.

- j. the location and detail of soil absorption system inspection ports.
 - k. location and depth of permeable cover added after installation.
 - l. if a pump system, the pump size, manufacturer, model, pump cycle duration, dose in gallons/cycle and pump timer settings.
 - m. location, size, shape, and placement of all buildings on the building site showing their relation to the OSS and to any easements, underground oil storage tanks, utility lines and property lines.
 - n. location, direction of flow, and discharge point of all ground and/or surface water interceptor drains and on-site stormwater infiltration systems.
 - o. orientation of drawing with north direction by arrow.
 - p. location of private water supply (well, spring, etc.).
 - q. location of design control point.
2. Clearly Indicated Scale using the appropriate scaled increments shown on a typical engineering scale. Recommended scale of one inch equals twenty feet. Scales utilizing ratios smaller than one inch equals thirty feet are not acceptable.
 3. One copy of an OSS owner's operating, maintenance and technical specifications manual which includes:
 - a. system performance specifications, including initial settings of electrical or mechanical devices needed to operate the system as intended by the designer and installer;
 - b. system operating instructions, including, for proprietary products, manufacturer's standard product literature;
 - c. system preventive maintenance instructions and service schedule;
 - d. make, model and/or performance specifications of all system components; and
 - e. check list and schedule for routine monitoring inspections, effluent sampling and reports.
 - f. record that materials and equipment meet the specifications contained in the design.
 4. Copy of recorded "notice on title" required by BOH 13.56.054 [, and an operation and maintenance services agreement as applicable.]*
 5. Copy of OSS installation permit.
 6. Documentation describing the waste strength range within which the OSS is designed to operate. (R&R No. 08-03 § 139, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 7 § 5, 12-19-86).

*Reviser's note: Material added but not underlined in R&R No. 08-03 § 139.

13.56.054 Notice on title.

A. New Systems. The owner shall record a notice on title with the King County records and election division. This notice shall include all of the owner's responsibilities described in BOH 13.60.005 and Table 13.60-1.

B. Existing systems.

1. Prior to sale or transfer of property ownership, if the building is served by an OSS and the notice on title required by this section has not been recorded, then the owner shall record the notice as set forth in BOH 13.56.054.A. At the time of sale the seller shall obtain the buyer's signature acknowledging receipt of a copy of this recorded notice.

2. At the time of sale or transfer of property ownership, the buyer or transferee of a property served by an OSS shall forward to the health officer a fee as set forth in the fee schedule and submit a signed copy of the notice on title as set forth in BOH 13.56.054.A.

3. At the time a building is remodeled or expanded, if it is not connected to public sewer and the notice on title required by this section has not been recorded, then the owner shall record the notice as set forth in BOH 13.56.054.A. (R&R No. 08-03 § 140, 2008: R&R No. 02-01 § 1, 5-17-2002: R&R No. 99-01 § 2 (part), 3-19-99).

13.56.060 Approval.

A. Within ten working days after receipt of certification by a designer that an OSS as installed is in accordance with this title, the health officer shall approve or disapprove thereof. It shall be unlawful to use a newly installed OSS prior to its approval by the health officer.

B. If the health officer disapproves such work or system, notification in writing shall be provided to the owner, designer and installer within ten working days stating the reasons for such disapproval and stating the right to appeal. (R&R No. 08-03 § 141, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 7 § 6, 12-19-86).

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Chapter 13.60
OPERATION AND MAINTENANCE, MONITORING AND MANAGEMENT

Sections:

- 13.60.005 Operation and maintenance.
- 13.60.010 Monitoring of residential, community or commercial systems.
- 13.60.020 Community and large on-site system management.
- 13.60.030 Operation and maintenance at time of sale.

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13.60.005 Operation and maintenance.

A. The OSS owner is responsible for the continuous proper operation and maintenance of the OSS, and shall:

1. Determine the level of solids and scum in the septic tank at least once every three years for residential systems with no garbage grinder and once every year if a garbage grinder is installed and, unless otherwise provided in writing by the health officer, once every year for commercial systems.

2. Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary.

3. Cause preventive maintenance/system performance monitoring inspections to be conducted and any indicated service to be performed by an approved person at a minimum frequency in accordance with Table 13.60-1 unless otherwise established by the health officer.

4. Secure and renew contracts, as needed, to fulfill the OSS operation and maintenance requirements of Table 13.60-1.

5. Operate and maintain all OSS in accordance with this title, with pertinent alternative system guidelines issued by the DOH and with the approved OSS owner's operating and maintenance instruction manual.

6. Protect the OSS area including the reserve area from:

- a. cover by structures or impervious material;
- b. surface drainage;
- c. soil compaction, for example, by vehicular traffic or livestock; and
- d. damage by soil removal and grade alteration.

7. Maintain the flow of sewage to the OSS at or below the approved operating capacity and sewage quality standards for residential strength waste water.

8. Direct drains, such as footing or roof drains away from the area where the OSS is located.

9. At time of property transfer, provide the buyer with maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

B. The owner shall not allow:

1. Use or introduction of strong bases, strong acids or organic solvents into an OSS for the purpose of system cleaning;

2. Use of a sewage system additive unless it is specifically approved by the DOH; or

3. Use of an OSS to dispose of waste components atypical of residential wastewater, for example, but not limited to, petroleum products, paints, solvents, or pesticides. (R&R No. 08-03 § 142, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.60.010 Monitoring of residential, community or commercial systems.

A. The owner shall cause monitoring of the performance of any OSS at a frequency and by a qualified person as specified in Table 13.60-1.

B. For all system types, service access and monitoring ports to finished grade are required for all system components. Specific component requirements include the following:

1. Septic tanks shall have service access maintenance ports and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;

2. Surge, flow equalization or other sewage tanks shall be accessible for monitoring and maintenance;

3. All pretreatment units shall have service access maintenance ports and monitoring ports;

4. Pump chambers, tanks and vaults shall have service access maintenance ports;

5. Disinfection units shall have service access and be installed to facilitate complete maintenance and cleaning;

6. Soil dispersal components shall have monitoring ports for both distribution devices such as valves or other controls and the infiltrative surface;

C. Systems using pumps shall have accessible controls and warning devices.

D. To facilitate maintenance and safety, control panels shall be located in line of sight of the pump tank.

E. OSS serving food establishments require, at a minimum, annual inspection and periodic pumping as needed.

F. Operation and maintenance of any OSS in a marine recovery area shall be performed by a licensed OSS maintainer and at a frequency determined by the health officer based upon type, size, age, system condition, and system location, but not less than once per year. If no accurate record drawing for the OSS has been prepared and filed with the department, the licensed OSS maintainer performing the maintenance and performance monitoring shall prepare and submit to the health officer a reconciled record drawing together with the system performance monitoring report required under this chapter.

Table 13.60-1
Minimum Frequency of Preventive Maintenance/Performance Monitoring

	Gravity System ⁴	Public Domain Technology ²	Proprietary Technology ^{3,5}	Commercial and Food Establishment	Non-Discharging Toilets ⁶
Initial¹ Inspection	6 months	6 months	45 days	45 days	N/A
Regular Inspection frequency	Every 3 years	Annually	Every 6 months	Annually or 6 months Depending on Technology used	Annually
Who May Perform the Inspection	Owner or Licensed Maintainer or Licensed OSS Pumper	Licensed Maintainer	Licensed Maintainer	Licensed Maintainer	Owner

Table 13.60-1 Explanatory Notes

- The initial inspection is to be performed at the time interval indicated following occupancy.
- Public domain technology includes such systems as: mounds, intermittent sand filters and pressure distribution.
- Proprietary Technology includes such systems as: ATUs, Glendon up-flow filters, Advantex pack bed filters and subsurface drip.
- At least an annual septic tank maintenance check is required if the structure served is equipped with a garbage grinder waste disposal unit. If a screened outlet baffle is present an annual check is recommended. Pumpers shall report each pumping event to the health officer in accordance with BOH chapter 13.68.
- Table 13.60-1 specifies the minimum required monitoring frequency. A more stringent monitoring frequency shall be used if recommended by the manufacturer.
- This monitoring is in addition to that required for the OSS receiving the building's nontilet liquid waste.

G. The person conducting the maintenance and performance monitoring inspection shall submit a system operation and maintenance/performance monitoring report, on forms provided by the health officer, to the owner at the time of the inspection and to the health officer accompanied by a filing fee as specified in the fee schedule within thirty days of the inspection.

H. The fee for each OSS monitoring/performance inspection required by the health officer shall be in accordance with the fee schedule.

I. Preventive maintenance and monitoring of the OSS performance and quality of effluent shall be required for any commercial development using OSS.

1. The minimum frequency and the type of inspection required shall be in accordance with Table 13.60-1 unless otherwise established by the health officer.

2. At least an annual inspection of OSS serving food establishments shall be conducted.

J. For properties where required monitoring and/or preventive maintenance inspections are at least thirty days overdue the health officer may notify the owner that the OSS is not in compliance with these rules. The health officer may, in addition to provisions of BOH chapter 1.08 of this code, cause a notice of noncompliance to be recorded with the real property records for the subject lot. (R&R No. 08-03 § 143, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 49 § 3, 12-1-89; R&R No. 3 Part 8 § 1, 12-19-86).

13.60.020 Community and large on-site system management.

A. Maintenance and management of community systems and large on-site sewage systems shall only be provided by a public agency as defined in RCW 39.34.020 acting as the management authority.

B. The proposed waste management system agreements shall be submitted to the health officer for review and be accompanied by a fee as specified in the fee schedule.

C. The application shall be accompanied by an opinion letter from an attorney licensed to practice law in the state of Washington representing that the management agreement complies with all applicable laws and regulations, and is a valid and binding obligation of all parties thereto. The opinion letter shall be in such form as the health officer may require.

D. The management authority shall prepare a homeowner's manual which describes the responsibilities and duties of the homeowner along with precautionary information as may be necessary to preclude inadvertent abuse to the sewage system. A copy of such manual shall be provided to each homeowner by the management authority at the time of purchase or transfer of the property. (R&R No. 08-03 § 144, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 3 Part 8 § 2, 12-19-86).

13.60.030 Operation and maintenance at time of sale.

A. The seller of any single family or multiple family residential property served by an OSS shall, prior to transfer of title to the property, have a monitoring and performance inspection performed by a licensed OSM. The licensed OSM shall file with the department an on-site system report and applicable fee in accordance with the fee schedule.

1. If no record drawing is on file with the department, the OSM shall prepare a record drawing and include it with the O&M report submitted to the department.

2. If a record drawing is on file with the department but does not accurately depict the OSS, the OSM shall prepare a reconciled record drawing and include it with the O&M report submitted to the department.

3. A monitoring and performance inspection is not required if such an inspection was performed within the previous 6 months.

4. At the time of property transfer, the owner shall provide, to the buyer, maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers. (R&R No. 08-03 § 145, 2008).

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Chapter 13.64
REPAIRS AND REMODELING

Sections:

- 13.64.010 Repairs of failing OSS.
- 13.64.020 Remodeling - approval required.

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13.64.010 Repairs of failing OSS.

A. This title shall be applied to the maximum extent permitted by the site for any repair necessitated by the failure of an existing OSS. The health officer may waive compliance with these requirements if a conforming repair is not feasible and if in the health officer's judgment the repaired system will not have an adverse effect on public health, but the repaired system shall not discharge onto the surface of the ground, into surface waters, or otherwise fail.

B. The health officer may require a site design in accordance with BOH chapter 13.28 for the repair or replacement of a failing soil absorption component and if deemed necessary for a limited repair. Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes of the failure, and shall include this information in any design or repair proposal to the department.

[The health officer shall require a site design in accordance with chapter 13.28 for the repair or replacement of a failing soil absorption component and if deemed necessary for a limited repair.]*

C. It is unlawful to repair an OSS without an OSS limited repair or repair permit.

Table 13.64-1

Minimum Treatment Level Required for Repair or Replacement of Soil Absorption Components on Sites not Meeting Vertical and/or Horizontal Separation Requirements of this Title

Vertical Separation (in inches)	Horizontal Separation ¹											
	< 25 feet ^{2,3}			25 < 50 feet ^{2,3}			50 < 100 feet ^{2,3}			> 100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A	A	A	A	A	A	A	A	B	B	B	B
> 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
> 18 < 24	A	A	A	A	B	B	A	B	C			
> 24 < 36	A	B	B	B	C	C	B	C	C			
> 36	A	B	B	B	C	C	B	C	E			

Table 13.64-1 Explanatory Notes

The horizontal separation indicated in this table is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

1. The Treatment Levels refer to effluent quality achieved before discharge to unsaturated subsurface soil.
2. Alternative systems which meet the Treatment Level without disinfection are required when the repair OSS is adjacent to fresh water bodies.
3. When adjacent to fresh surface water bodies the next higher Treatment Level A shall be provided unless Treatment Level A is already provided.

D. The treatment level required for repair or replacement of soil absorption components of an existing failed OSS when conforming vertical separation and conforming horizontal separation to surface water and/or to individual private wells is not possible shall be in accordance with Table 13.64-1.

E. Alterations or repairs to an OSS shall be documented in a repair record drawing submitted to the health officer for final approval at time of final inspection, unless a full design application was submitted for the repair.

F. The owner receiving a Table 13.64-1 repair permit where treatment Level A or B is required shall:

1. Immediately report any OSS failure to the health officer;
2. Continuously operate, maintain and monitor the OSS performance in accordance with the appropriate recommended standards and guidance for the technology in use; and
3. Report the results of the OSS maintenance and monitoring to the health officer quarterly when Treatment Level A is required and annually when Treatment Level B is required.

G. The owner receiving a permit shall file a "notice on title" in accordance with 13.56.054 and the notice shall include:

1. A notarized agreement to comply with the conditions of BOH 13.64.010F above; and
2. A disclosure that a nonconforming OSS has been installed to correct a failure because a conforming OSS is not feasible due to site and soil limitations and that due to the OSS nonconformity the system is not authorized to support new building construction or expansions or major alterations of the existing structure.

H. The health officer may authorize in writing a horizontal separation of not less than seventy-five feet between an OSS dispersal component and an individual private drilled well, but only if:

1. the well is located on the same parcel as the property served by the OSS;
2. the OSS is designed and operated to provide treatment level A or treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in Table 13.64-1; and
3. the owner monitors drinking water quality for coliform and nitrate and periodically submits drinking water quality reports to the health officer at least annually.

I. For any designed repair, the designer shall include, on the record drawing document, the operating capacity of the repaired OSS and provide a copy of the record drawing document to the owner.

J. For any repair required to be performed in accordance with Table 13.64-1 of this title, disinfection may not be used to achieve the fecal coliform requirements to meet:

1. Treatment levels A or B where there is less than eighteen inches of vertical separation;
2. Treatment levels A or B in type 1 soils; or
3. Treatment level C.

K. Except as provided in BOH 13.20.040, OSS repairs shall be supervised by an OSS master installer certified pursuant to BOH 13.20.020 and 13.20.030.

L. When the work of repairing an existing OSS has been completed, but before it is closed and covered, the person who designed the repair and owner shall be notified. The person who designed the repair shall then proceed as described in BOH 13.56.030, subsections B. and C. The person designing the repair shall then call for the health officer to inspect the system. For a limited repair the installer shall submit a limited repair report to the health officer within five working days.

M. Unless otherwise directed by the health officer, OSS repairs shall not be covered until the health officer has given approval. (R&R No. 08-03 § 146, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 9 § 1, 12-19-86).

***Revisers note: Material not included but not deleted in R&R No. 08-03 § 146.**

13.64.020 Remodeling - approval required.

A. Existing buildings or structures to which additions, alterations, or improvements which would impact the operation of the OSS are made after the effective date of this title shall be served by an OSS complying with this title; provided, however, the health officer may waive compliance with these requirements for existing buildings or structures when the addition, alterations, repairs, or improvements to the building or structure are compatible with and do not adversely impact the OSS including the potential reserve area, do not affect the adequacy of the system to treat the sewage over the remaining useful life of the building or structure, and do not adversely affect the ability of the continued operation of the system to protect public health, surface water quality, or groundwater quality.

B. Applications for approval by the health officer of existing OSS serving existing buildings undergoing addition, alteration, repair, or improvement shall be made as provided in this section. The application shall be made on forms furnished by the health officer.

C. The health officer will review all applications to determine the compatibility of the proposed addition, alteration, repair, or improvement with the existing OSS.

1. Factors that the health officer may consider include, but are not limited to, the following:

- a. location of SSAS in relation to foundation and existing improvements;
- b. size of SSAS in relation to proposed use;
- c. condition of the existing OSS;
- d. useful anticipated life of the existing on-site sewage disposal system;
- e. potential for reconstruction and repair of the existing on-site sewage disposal system;
- f. ultimate purpose of the remodeling; and
- g. approved source of water.

2. The health officer may require the applicant to furnish such exhibits and information as may be deemed relevant and necessary to the application.

D. Any applicant for a permit for a change of use in a commercial structure served by an OSS shall obtain the health officer's review and approval of the OSS before the OSS may be utilized to serve the new use in the structure. Any such applicant for a change in use approval for the continued use of the OSS shall submit a written application for approval by the health officer. The application shall include information detailing any processes or uses which may impact the wastewater characteristics and flows of the existing OSS.

E. The nonrefundable fee for such a review shall be as specified in the fee schedule, payable to the department. No charge shall be made for applications for projects that are determined to be categorically exempt by the health officer. (R&R No. 08-03 § 147, 2008; R&R No. 99-01 § 2 (part), 3-19-99; R&R No. 98 § 7, 12-14-93; R&R No. 49 § 4, 12-1-89; R&R No. 3 Part 9 § 2, 12-19-86).

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Chapter 13.68
LIQUID WASTE PUMPING AND HAULING

Sections:

- 13.68.010 Pumper certification requirements.
- 13.68.020 Application.
- 13.68.030 Examination and inspection.
- 13.68.034 Pumping equipment.
- 13.68.036 Pumping procedures.
- 13.68.040 Report requirements.
- 13.68.050 Revocation of certificate of competency and inspection certificates.
- 13.68.060 Approval of change of disposal sites.
- 13.68.070 Maintenance of disposal sites.

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13.68.010 Pumper certification requirements.

A. It is unlawful for any person to carry on or engage in the business of pumping out the contents of septic tanks, cesspools, grease traps, seepage pits, vault privies, portable toilets and other receptacles of human sewage or to transport over the highways or to dispose of the contents therefrom in King County unless the pumper business operator and in addition, each employee of the OSS pumper who engages in OSS pumping activities, holds a valid certificate of competency and each vehicle has an annual inspection tab issued by the health officer in accordance with this title for conducting such business. The following liquid waste pumper's certificate of competency classifications are established:

1. OSS pumper;
2. Grease trap/interceptor pumper;
3. Vessel sewage holding tank pumper;
4. Portable toilet pumper.

B. All persons holding a valid pumper registration on the effective date of these regulations will be classified by the health officer in accordance with subsections A1 through A4 of this section.

C. An applicant may be issued a certificate under such terms, conditions orders and direction as the health officer may deem necessary for the protection of public health. The health officer may waive any specific condition required by this chapter for certification when, in the opinion of the health officer, the condition duplicates a requirement of another regulatory agency and which the applicant has fulfilled. (R&R No. 08-03 § 148, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 1, 12-19-86).

13.68.020 Application. All applications for pumper certification under this title shall be submitted to the health officer. The application shall state the applicant's name in full; if a partnership, then the names of the partners, the relation of the applicant to the firm or partnership; the name of the corporation if a corporation; the place of business and place of residence of the applicant; each of the partners in the business, if a partnership; and the place of business of the corporation, if a corporation. The applicant shall also provide the number and identification of all vehicles to be used; the type, location and name of all the sites that the applicant will use to dispose of the contents of septic tanks, cesspools, grease traps, grease interceptors, seepage pits, vault privies, portable toilets and other receptacles of human sewage; and the name and address of the person, firm, or corporation who is responsible for the operation of each disposal site. A valid disposal site letter of authorization must accompany the application. The application shall be signed by the authorized officer of the corporation, if a corporation, or by the managing partner, if a partnership, or by the individual owner, if owned by an individual, and by the individual applicant. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 2, 12-19-86).

13.68.030 Examination and inspection.

A. Except as described in BOH 13.68.010.B, a pumper's certificate of competency and/or vehicle inspection tab shall be issued to the applicant only after:

1. Completion of a course of instruction given by a qualified person(s) acceptable to the health officer and which covers, as applicable to the certificate of competency classification, basic sanitation principles affecting public health, on-site sewage concepts, details of proper servicing of sewage tanks or other receptacles of human sewage and the transporting and disposing of sewage, septage, sludge, or fats, oils and grease;

2. Satisfactory completion of an examination relevant to the pumper certificate of competency classification, which may include but not necessarily be limited to the applicant's knowledge of sanitation principles affecting public health, knowledge of principles of on-site sewage system operations, knowledge of sewage tank and/or portable toilet servicing procedures, knowledge of regulations governing disposal of septage, sewage and/or fats, oils and grease, and the reliability of the applicant in observing sanitation laws, regulations and directions, plus other pertinent information as deemed necessary by the health officer except that the grease trap/interceptor pumpers, vessel sewage holding tank pumpers and portable toilet pumpers may be exempted from such examination upon satisfactory completion of an industry certification/training program acceptable to the health officer. The fee for such examination or evaluation of training documentation shall be as specified in the fee schedule payable in advance and nonrefundable;

3. Annual inspection and approval of the applicant's equipment to be used in the performance of the business;

4. The business operator provides the health officer with evidence of compliance with state of Washington minimum bonding requirements as stated in chapter 18.27 RCW and contractor's liability insurance for at least fifty thousand dollars; and

5. Business operators, other than OSS pumpers, sign and provide to the health officer a statement certifying that all employees working in contact with equipment potentially contaminated by sewage have successfully completed a course of instruction given by a qualified person or persons acceptable to the health officer which covers basic sanitation principles affecting public health.

B. Certificate of competency and vehicle inspection fees shall be as specified in the fee schedule.

C. After certification has been approved by the health officer, the applicant will be issued a certification of competency registration number. The business owner shall permanently affix said number preceded by the letters "KC No." on each of the applicant's collection vehicles. Said numbers must be in a contrasting color to that of the vehicle and in letters at least three inches high and placed along with the annual wastewater vehicle tab in a conspicuous place designated by the health officer. In addition, the name of the operating firm shall be conspicuously displayed on both sides of the truck.

D. Certificates shall expire December 31st of each year.

1. The health officer may renew certificates of competency provided that the applicant submits not later than December 31st a complete renewal application accompanied by: a fee as set forth in the fee schedule, authorization for continued use of all disposal sites, a completed annual vehicle inspection report and proof of minimum bonding and insurance requirements; and

2. Complete applications for renewal submitted after January 15 shall be subject to a late fee in the amount of one-half the renewal fee, after January 31 double the renewal fee and after February 10 a renewal shall not be granted without passing a competency examination. (R&R No. 08-03 § 149, 2008: R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 89 § 1, 12-16-92: R&R No. 3 Part 11 § 3, 12-19-86).

13.68.034 Pumping equipment.

A. Tanks shall be fully enclosed, watertight, of metal construction in good repair, and with openings or hatches built to seal securely.

B. The vehicle shall be equipped with either a vacuum pump or other type of self priming pump, which will not allow spillage from the diaphragm or other packing glands.

C. Each vehicle shall be equipped with a section of hose, pipe or funnel made of easily cleaned, durable material to properly direct the flow of the tank contents while emptying the tank at the approved disposal site.

D. The sewage suction hose on vehicles shall be in sound condition, drained after each use and stored on the vehicle in a manner that will not create a public health hazard or nuisance.

E. Each vehicle shall at all time carry a water hose of adequate length for washing spillage and equipment, and with disinfectant (bleach), hand sanitizer, and cleaning implements (5 gallons of absorbent, 5 gallon bucket, broom and shovel).

F. All pumping equipment shall be properly maintained and kept clean.

G. Each pump apparatus not operating on a vacuum with automatic shut-off shall be equipped with a positive check valve or holding tank contents level indicator to preclude over-filling. (R&R No. 99-01 § 2 (part), 3-19-99).

13.68.036 Pumping procedures. The pumper shall:

- A. Pump out the full contents and all compartments of the sewage tank.
- B. Leave the premises serviced in a clean and sanitary condition.
- C. Dispose of septage and sewage only at approved disposal sites.
- D. Possess at all times during pumping and transporting, complete records of the origin of the septage and sewage.
- E. Measure and record the depth of sludge and scum layers in septic tanks.
- F. Observe and record the physical condition of the sewage tank pumped including signs of tank exfiltration or infiltration and condition of baffles in septic tanks. (R&R No. 08-03 § 150, 2008: R&R No. 99-01 § 2 (part), 3-19-99).

13.68.040 Report requirements.

A. Persons performing pumping activities governed by this title shall submit sewage tank pumping reports monthly to the health officer on forms provided by the department. These reports shall include information on each sewage tank pumped in King County to include:

1. Date and address of property where tank is pumped.
2. Any observed discharge of sewage or effluent to the surface of the ground or to surface waters.
3. Any spill of sewage or septage by the pumper, its location and approximate number of gallons, and description of clean up activities.

B. OSS Sewage Tank Service Report. The certified pumper shall provide a written service report to the OSS owner at the time of service and to the health officer upon request. This report shall, at a minimum, include the following:

1. Name, address, and phone number of the pumping firm;
2. Name, address and phone number of the owner/occupant of property serviced;
3. Date service performed;
4. Depth in inches of floating scum mat and sludge layer;
5. Type of tanks and number of compartments pumped;
6. Number of gallons pumped;
7. General tank condition observed;
8. Condition of baffles, noting whether filter baffles were cleaned;
9. Description of any other service performed; and
10. Signature and certificate of competency number of person performing the work. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 4, 12-19-86).

13.68.050 Revocation of certificate of competency and inspection certificates. Any certificate of competency and inspection certificate issued under this title may be suspended or revoked for cause by the health officer pursuant to Chapter 1.08 of this code. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 5, 12-19-86).

13.68.060 Approval of change of disposal sites. Should a pumper plan to dispose of the contents of the septic tanks, cesspools, grease traps, or seepage pits, vault privies, chemical toilets and other receptacles of human sewage at a disposal site(s) other than the site listed in the current application for certification, the holder of the certificate shall first obtain written approval of said site from the health officer. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 6, 12-19-86).

13.68.070 Maintenance of disposal sites. Any person, firm, or corporation responsible for the operation of a disposal site on which the contents of septic tanks, cesspools, grease traps or seepage pits, vault privies, portable toilets and other receptacles of human sewage are disposed shall maintain said disposal site in a safe and sanitary condition. (R&R No. 99-01 § 2 (part), 3-19-99: R&R No. 3 Part 11 § 7, 12-19-86).

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Chapter 13.74
(Reserved)

Editor's Note:

Former BOH chapter 13.74, entitled Fees, was amended in its entirety, and relocated to BOH Title 2, by Rule and Regulation No. 05-05.

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Title 14WATER RECREATION FACILITIES*Chapters:14.04 General Provisions14.08 ApplicationChapter 14.04GENERAL PROVISIONSSections:

- 14.04.005 Title.
- 14.04.010 Purpose and policy declared.
- 14.04.015 Adoption of RCW 70.90, Chapter 248-98 WAC and Board of Health amendments.
- 14.04.020 Adoption of RCW 70.90.20, Chapter 248-98 WAC and Board of Health amendments.
- 14.04.025 Water recreation facility code.
- 14.04.030 Additions to 248-98 WAC.
- 14.04.035 Prior offenses.

14.04.005 Title. The rules and regulations set out in this title may be cited and referred to, and shall be known as the "King County Water Recreation Facility Code" and may be so cited, and is referred to herein as "this title. (R&R 58 §(part), 5-11-89)

14.04.010 Purpose and policy declared. A. This title is enacted as an exercise of the police power of the county to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or

* **Editor's Notes:** For administrative rules relevant to this title, look for a following "R" title of the same number. To the extent that the administrative rules are inconsistent with the provisions of Title 14, the administrative rules are superseded.

designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner or operator of each water recreation facility within its scope, and no provision of nor term used in this title is intended to impose any duty whatsoever upon the county or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of a water recreational facility to comply with the provisions of this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the county by its officers, employees or agents. (R&R 58 §(part), 5-11-89)

14.04.015 Adoption of RCW 70.90, Chapter 248-98 WAC and Board of Health amendments. RCW 70.90 (Water Recreation Facilities) and rules and regulations of the state Board of Health, Chapter 248-98 WAC (Safety, Sanitation and Water Quality of Water Recreation Facilities) are adopted by reference. (R&R 58 §(part), 5-11-89)

14.04.020 Adoption of RCW 70.90.20, Chapter 248-98 WAC and Board of Health amendments. RCW 70.90.20 and rules and regulations of the state Board of Health Governing Safety, Sanitation and Water Quality of Water Recreation Facilities, Chapter 248-98 WAC, together with Board of Health amendments as adopted by this title shall constitute the Water Recreation Facility Code of the King County Board of Health. (R&R 58 §(part), 5-11-89)

14.04.025 Water recreation facility code. This title shall constitute the Water Recreation Facility Code of King County. This title is adopted under the authority of RCW 70.90.125 (regulation of local boards of health). (R&R 58 § (part), 5-11-89)

14.04.030 Additions to 248-98 WAC. In addition to the provisions of 248-98 WAC, the following will apply:

A. The hydrotherapy pump and air blower shall be connected to a maximum fifteen (15) minute time switch located no closer than ten (10) feet from the spa water's edge.

B. The dimensions for swimming pools constructed prior to this code shall conform to requirements A-1 through A-6

established by the American Public Health Association for diving areas as shown in Appendix A. (R&R 58 §(part), 5-11-89)

14.04.035 Prior offenses. This title does not apply to or govern the construction of and punishment of any offense committed prior to the effective date of this title or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of the law existing at the time of the commission thereof in the same manner as if this title had not been enacted. (R&R 58 § (part), 5-11-89)

Chapter 14.08

APPLICATION

Sections:

- 14.08.005 Application of chapter.
- 14.08.010 Modification or construction of facility--
Permit required--Submission of plans.
- 14.08.015 Operation permit--Renewal.
- 14.08.020 (Reserved).
- 14.08.030 Enforcement.

14.08.005 Application of chapter. This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

- A. Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;
- B. Therapeutic water facilities operated exclusively for physical therapy; and
- C. Steam baths and saunas. (R&R 58 §(part), 5-11-89)

14.08.010 Modification or construction of facility--
Permit required--Submission of plans. A permit is required for any modification to or construction of any water recreation facility. Water recreation facilities existing on July 26, 1987, which do not comply with the design and construction requirements established by the state Board of Health under Chapter 248.98 WAC may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and lifesaving equipment are in compliance with the requirements established under this chapter. However, if any modi-

fications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The plans and specifications for the modification or construction shall be submitted to the department. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied within thirty (30) days of submittal. (R&R No. 58 §1(part), 5-11-89)

14.08.015 Operation permit--Renewal.

An operating permit from the department is required for each water recreation facility operated in King County. The permit shall be renewed annually. The permit shall be conspicuously displayed at the water recreation facility. (R&R No. 58 §1(part), 5-11-89)

14.08.020 Reserved.

Editor's Note

Former Section 14.08.020, entitled *Fees*, was amended in its entirety, and relocated to Title 2 of this code, by Rule and Regulation No. 05-05.

14.08.030 Enforcement.

This title shall be enforced in accordance with Chapter 1.08 of this title. (R&R 58 No. §2(part), 5-11-89)

Title R14

SWIMMING AND SPA POOLS*

Chapters:

R14.04 Swimming Pools

R14.08 Spa Pools

Chapter R14.04

SWIMMING POOLS

Sections:

- R14.04.010 Definitions.
- R14.04.020 Water supply.
- R14.04.030 Sewer.
- R14.04.040 Construction materials.
- R14.04.050 Design load, shape and depth.
- R14.04.060 Depth markings.
- R14.04.070 Outlets.
- R14.04.080 Inlets.
- R14.04.090 Slope of bottom.
- R14.04.100 Side walls.
- R14.04.110 Overflow gutters.
- R14.04.120 Skimmers.
- R14.04.130 Recirculation system.
- R14.04.140 Filtration--Slow sand filters.
- R14.04.150 Filtration--High-rate sand filters.
- R14.04.160 Filtration--Diatomaceous earth filters.
- R14.04.170 Ladders, steps, treads and handrails.
- R14.04.180 Fencing--Adjacent areas.
- R14.04.190 Diving area.
- R14.04.200 Dinsinfectant and chemical feeders.
- R14.04.210 Lighting and ventilation.
- R14.04.220 Dressing rooms.
- R14.04.230 Toilets and showers.
- R14.04.240 Spectators and visitor areas.

*

Editor's Notes: For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."
To the extent that the administrative rules are inconsistent with the provisions of Title 14, the administrative rules are superseded.

- R14.04.250 Outdoor location.
- R14.04.260 Swimming and nonswimming areas.
- R14.04.270 Disinfection and quality of water.
- R14.04.280 Cleaning pool and floors.
- R14.04.290 Cleansing before entry.

- R14.04.300 Communicable disease.
- R14.04.310 Pollution of pool.
- R14.04.320 Spectators prohibited next to pool.
- R14.04.330 Lifesaving and safety equipment.
- R14.04.340 Personal equipment.
- R14.04.350 Posting of regulations.
- R14.04.360 Pools not in operation.
- R14.04.370 Variances.
- R14.04.380 Violation--Closure.

R14.04.010 Definitions. As used in this chapter, unless the context clearly requires another meaning:

A. "Approved" means approved in writing by the director of public health.

B. "Department" means the public health department of the county.

C. "Director of public health" means the director of the department or his/her authorized representative.

D. "Person" means any individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

E. "Private swimming pool" means any swimming pool, wading pool, spa pool or spray pool maintained by an individual, the use of which is confined to members of his/her family or invited guests. Private pools shall not be subject to the provisions of this chapter.

F. "Public swimming pool" means any swimming pool together with buildings or appurtenances in connection therewith which is available to the general public with or without payment of an admission charge for the use of it, and shall include any swimming pool which is one thousand five hundred (1,500) square feet or more in surface area whether or not available to the general public, or any swimming pool not otherwise defined in this section.

G. "Semipublic swimming pool" means any swimming pool provided for and used by numbers of persons or multifamily or cooperative groups such as, but not limited to, hotels, motels, mobile home parks, apartments, condominiums, subdivisions, community clubs, private clubs, institutions or schools, the use of which is limited to such groups and their invited guests and where the pool is less than one thousand five hundred (1,500) square feet in surface area.

H. "Spray pool" means any pool or artificially constructed depression into which water is sprayed but is not allowed to pond in the bottom of the pool.

I. "Swimming pool" means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of two feet (2') or more at any point and including all facilities incidental thereto.

J. "Wading pool" means any artificial pool of water intended and constructed for wading purposes which is not over two feet (2') in depth at any point. (HDR 18 §1, 1-13-86)

R14.04.020 Water supply. A. The water supply serving the pool and all plumbing fixtures including drinking fountains, lavatories and showers, shall meet the requirements of the rules and regulations of the Washington State Board of Health.

B. All portions of the water distribution system serving the pool and auxiliary facilities shall be protected against backflow.

1. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or backflow preventer approved by the director.

2. In the case of plumbing connections to the potable water distribution system, the supply shall be protected by a suitable air gap whenever possible. When such air gaps are not possible, the supply shall be protected by an approved backflow preventer installed on the discharge side of the last control valve to the fixture, device or appurtenance. (HDR 18 §2, 1-13-86)

R14.04.030 Sewer. A. The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations.

B. There shall be no direct physical connection between the sewer system and any drain from the pool or recirculation system. Any pool or gutter drain or overflows from the recirculation system when discharged to the sewer system, storm drain or other approved natural drainage course shall connect through a suitable air gap so as to preclude the possibility of backup of sewage or waste into the pool piping system.

C. The sanitary sewer serving the pool and auxiliary facilities shall discharge to the public sewer system whenever possible. Where no such sewer is available, the connection shall be made to a suitable disposal system designed, constructed and operated in accordance with the requirements of the director. (HDR 18 §3, 1-13-86)

R14.04.040 Construction materials. A. Swimming pools and all appurtenances thereto shall be constructed of materials which are inert, nontoxic to man, water impervious and durable, which can withstand the design stresses, which will provide a tight tank, with a smooth, easily cleaned surface, or to which a smooth, easily cleaned surface finish can be applied, and shall be finished in white or light color.

B. All corners formed by intersection of walls with floors shall be rounded.

C. Sand or earth bottoms are not permitted in pool construction. (HDR 18 §4, 1-13-86)

R14.04.050 Design load, shape and depth. A. All pools shall be designed and constructed to withstand all anticipated loadings for both full and empty conditions. A hydrostatic relief valve shall be provided in areas having a high water table. The designing architect or engineer shall be responsible for certifying to the structural stability and safety of the pool.

B. The shape of any pool shall be such that the swimmer's safety will not be impaired.

C. The minimum depth of water in the pool shall be three feet (3') except for special instructional pools or for restricted or recessed areas in general pools which are set aside primarily for the use of children. Such areas, when included as part of the pool, shall be separated from the pool proper by means of a safety line supported by buoys and attached to the side walls.

D. Wading pools for children, physically separated from the swimming pool, shall be served by a recirculation system separate from the pool.

E. The maximum depth at the shallow end of the pool shall not exceed three feet six inches (3'6") except for competitive or special purpose pools. (HDR 18 §5, 1-13-86)

R14.04.060 Depth markings. A. The depth of the water in the pool shall be plainly marked at maximum and minimum points and at the points of break between the deep and shallow portions and at intermediate two-foot (2') increments of depth, spaced at not more than twenty-five-foot (25') intervals measured peripherally. Depth markers shall be located on the vertical pool walls at or above the water level. Where depth markers cannot be placed on the vertical walls above the water level, other means shall be used, such markings to be plainly visible to persons in the pool. If a pool exceeds twenty feet (20') in depth, additional markers shall be located on the edge of the deck next to the pool. The depth in the diving areas shall be appropriately marked.

B. Depth markers shall be in numerals of four inches (4") minimum height and a color contrasting with background.

C. Wherever design considerations allow, it may be desirable to install a depth contour line, such as a recessed line on a wall adjacent to the pool.

D. A four-inch (4") minimum width line in a contrasting color shall be provided at the breakpoint between the shallow and deep ends of the pool. (HDR 18 §6, 1-13-86)

R14.04.070 Outlets. A. Main drains shall be provided at the deepest point of the pool. Openings must be covered with grates or other protective devices which shall be removable only with tools. Net area of outlet openings of the drains in the floor of the pool shall be such as to preclude the possibility of developing a suction dangerous to bathers' safety and shall be at least four (4) times the area of

the discharge pipe or provide sufficient area so the maximum velocity of the water passing the grate will not exceed one and one-half feet (1 1/2') per second or shall be an anti-vortex drain. Main drain piping shall be valved and shall discharge to the recirculation pump suction and have a capacity equal to one hundred percent (100%) of the recirculation pump capacity.

B. Where the width of the pool is more than thirty feet (30'), multiple main drain outlets shall be provided. In such cases, outlets shall be spaced not more than twenty feet (20') apart, nor more than ten feet (10') from side walls.

C. Spray pools shall be equipped at their low point with an unvalved trapped drain of sufficient capacity and design to prohibit accumulation of any water in the pool. (HDR 18 §7, 1-13-86)

R14.04.080 Inlets. Inlets for fresh and/or repurified water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool, without existence of dead spots. Inlets from the circulation system shall be flush with the pool wall and submerged at least twelve inches (12") below the water level.

A. Wall inlets shall be designed as an orifice capable of a deflection adjustment of forty-five degrees (45°) or must be provided with an individual gate or similar valve to permit balancing of water volume to obtain the best circulation and shall be a minimum of twelve inches (12") below the surface.

B. Floor inlets shall have flow adjusting plates so as to permit a full range of flow adjustment from closed to full open. (HDR 18 §8, 1-13-86)

R14.04.090 Slope of bottom. The slope of the bottom of any portion of a public pool having a water depth of less than five feet (5') shall not be more than one foot (1') in fifteen feet (15') and the slope shall be uniform. In portions with a depth greater than five feet (5'), the slope shall not exceed one foot (1') in three feet (3'). All portions of the pool bottoms shall have definite and continuous slope toward the bottom drains. (HDR 18 §9, 1-13-86)

R14.04.100 Side walls. A. Walls of a public pool shall be either vertical for water depth of least six feet (6'), or vertical for a distance of two and one-half feet (2 1/2') below the water level below which the wall shall be curved to the bottom with a radius not to exceed:

1. At three-foot (3') depth, a six-inch (6") radius cove at the base of a two-foot six-inch (2'6") vertical section;

2. At three-foot six-inch (3'6") depth, a one-foot

(1') radius cove at the base of a two-foot six-inch (2'6") vertical section;

3. At five-foot (5') depth, a one-foot six-inch (1'6") radius cove at the base of a three-foot six-inch (3'6") vertical section. From this point the spring line or point of departure from vertical may rise through an eight-foot (8') transitional zone, measured horizontally, to a typical deep-end wall design consisting of at least a two-foot six-inch (2'6") vertical section with a curved section from that point meeting the floor of the pool.

B. Safety ledges when provided on vertical walls in the deep portion of the pool shall not be over four inches (4") wide, at least four feet (4') below the water surface, shall slope one-half inch (1/2") in four inches (4") away from the wall and shall be painted in a contrasting color.

C. When a movable bulkhead is used, it shall be positioned so that swimmers cannot swim under or be entrapped behind the bulkhead. (HDR 18 §10, 1-13-86)

R14.04.110 Overflow gutters. A. Overflow gutters shall be required on all pools having a surface area of over two thousand five hundred (2,500) square feet. (Pools having a surface area of less than two thousand five hundred (2,500) square feet shall be provided either with overflow gutters or skimming devices.)

B. Overflow gutters shall extend completely around the pool, except at steps or recessed ladders in the shallow portion. The overflow gutter shall also serve as a handhold. This gutter shall be capable of continuously removing one hundred percent (100%) of the recirculation pump capacity plus one-fifth (1/5) of the balancing tank capacity expressed in gallons per minute. All overflow gutters shall be connected to the recirculation system through a properly designed surge tank. The gutter, drains and return piping to the surge tank shall be adequately sloped to provide rapid drainage to drains not more than fifteen feet (15') apart, and such drainage shall be returned to the filters. The opening into the gutter beneath the coping shall not be less than four inches (4") and the interior of the gutter shall not be less than three inches (3") wide with a depth of at least three inches (3") and designed to be easily cleanable. Where large gutters are used, they shall be designed to prevent entrance or entrapment of bathers' arms or legs. The overflow edge or lip shall be rounded and not thicker than two and one-half inches (2 1/2") for the top two inches (2"). The outlet fittings shall have a clear opening in the grating at least equal to one and one-half (1 1/2) times the cross-sectional area of the outlet pipe.

C. Balancing tanks shall be required where overflow gutters or channels are used. The capacity shall be equal to six (6) times the maximum bathing load expressed in gallons. If the balancing tank is designed to serve as a

make-up water tank or to prevent air lock in the pump section line, or both, the capacity shall be increased sufficiently to accommodate these uses. Filter pits for vacuum-type filters may serve as balancing tanks if properly designed to accommodate this additional volume.

D. Nothing in this section shall preclude the use of roll-out or deck-level type pools. Such designs shall conform to the general provisions relating to overflow rates. The design of the curb and handhold shall conform to accepted standards, and the approval of the director shall be based on detailed review of this feature of construction and evaluated in light of proposed use of the pool. (HDR 18 §11, 1-13-86)

R14.04.120 Skimmers. Skimmers are permitted on public and semipublic pools with not more than two thousand (2,000) square feet of surface area, providing approved handholds are installed and sufficient motion of the pool water is induced by pressure-return inlets. At least one (1) skimming device shall be provided for each five hundred (500) square feet of surface area or fraction thereof plus one (1) additional device when considered necessary, with a minimum of two (2) skimmers per pool. They shall be so located as to minimize interference with each other and to ensure proper skimming of the entire pool surface. Handholds shall consist of bull-nosed coping not over two and one-half inches (2 1/2") thick for the outer two inches (2") or an equivalent approved handhold. The handholds must be not more than nine inches (9") above the normal water line. Skimming devices shall be built into the pool wall, shall be valved, shall develop sufficient velocity on the pool water surface to induce floating oils and wastes into the skimmer from the entire pool area, and shall meet the following general specifications:

A. The piping and other pertinent components of skimmers shall be designed for a total capacity of at least one hundred percent (100%) of the required filter flow of the recirculation system and no skimmer shall be designed for a flow-through rate of less than thirty (30) gallons per minute or 3.75 gallons per minute per lineal inch of weir.

B. The skimmer weir shall be automatically adjustable and shall operate freely with continuous action to variations in water level over a range of at least four inches (4"). The weir shall operate at all flow variations as described in Section 14.04.130(A). The weir shall be of such buoyancy and design so as to develop an effective velocity.

C. An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.

D. The skimmer shall be provided with a device to prevent airlock in the suction line. If an equalizer pipe is

used, it shall provide an adequate amount of water for pump suction should the water of the pool drop below the weir level; provided, that if any other device, surge tank or arrangement is used, a sufficient amount of water for pump suction shall be assured.

E. Where the equalizer pipe is used, it shall be sized to meet the capacity requirements of the filter and pump. This pipe shall be located at least one foot (1') below the lowest overflow level of the skimmer. It shall be provided with a valve or equivalent device that will remain tightly closed under normal operating conditions, but will automatically open when the skimmer becomes starved and the water level drops two inches (2") below the lowest weir level.

F. The skimmer shall be of sturdy, corrosion-resistant materials.

G. Prevailing winds shall be considered in placement of skimmers to assure removal of wind-blown material. (HDR 18 §12, 1-13-86)

R14.04.130 Recirculation system. A. A recirculation system, consisting of pumps, piping, fittings, water conditioning, and disinfection equipment and other accessory equipment, shall be provided at all pools, except spray pools, which will clarify and disinfect the pool volume of water in six (6) hours or less in a public pool and twelve (12) hours or less in a semipublic pool. Not less than sixty percent (60%) of the recirculated water shall be returned through the overflow channels or skimming devices.

B. All piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed eight feet (8') per second.

C. On systems where the pump is located before the filter the recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump and filters. Strainers shall be corrosion-resistant with openings which will provide a free flow area at least four (4) times the area of pump suction line and shall be readily accessible for frequent cleanings.

D. A vacuum cleaning system shall be provided. When an integral part of the recirculation system, sufficient connections shall be located in the walls of the pool, at least eight inches (8") below the water line, or may be a component part of the skimmer.

E. A rate-of-flow indicator, reading in gallons per minute, shall be installed and located on the pool return (inlet) line. The indicator shall be capable of flows measuring at least one and one-half (1 1/2) times the design flow rate, shall be accurate to within ten percent (10%) of true flow, measured in increments of not more than ten (10) gallons per minute, and shall be easy to read.

F. Pumps shall be of adequate capacity to provide the

required number of turnovers of pool water as specified in subsection A of this section, and whenever possible shall be so located as to eliminate the need for priming. If the pump or suction piping is located above the overflow level of the pool, the pump shall be self-priming. The pump or pumps shall be capable of providing adequate flow for the backwashing of filters.

G. Pressure filter systems shall be provided with influent and effluent pressure gauges, or loss-of-head gauges, and backwash sight glass on the waste discharge line. Air relief valves at the high point of the filter may be provided.

H. Vacuum filter systems shall provide a vacuum gauge between the filter and the motor. (HDR 18 §13, 1-13-86)

R14.04.140 Filtration--Slow sand filters. A. Sand filters shall be designed for a filter rate of not more than three (3) gallons per minute per square foot of bed area with sufficient area to meet the design rate of flow required by the prescribed turnover.

B. Filtering material shall consist of at least twenty inches (20") of screened, sharp filter sand with an effective size between .4 and .55 millimeters and a uniformity coefficient not exceeding 1.75, supported by at least ten inches (10") of graded filter gravel. Anthracite of appropriate size and uniformity coefficient of 0.6 to 0.8 millimeters with a uniformity coefficient of not greater than 1.8 may be used in lieu of the sand. The gravel shall effectively distribute water uniformly during filtration and backwashing. A reduction in this depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

C. The underdrain system shall be of corrosion-resistant and enduring material, so designed and of such material that the orifices or other openings will maintain approximately constant area. It shall be designed to provide even collection or distribution of the flow during filtration or backwashing.

D. At least twelve inches (12") of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing.

E. The filter system shall be designed with necessary valves and piping to permit:

1. Filtering to pool;
2. Individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area;
3. Isolation of filters for repairs while other units are in service;
4. Complete drainage of all parts of the system;
5. The overall layout shall permit necessary

maintenance, operation and inspection in a convenient manner.

F. Each pressure sand filter shall be provided with an access opening of not less than a standard eleven-inch (11") by fifteen-inch (15") manhole and cover.

G. Aluminum sulfate (alum) or other compounds not disapproved by the director may be used as coagulants. Devices with reasonably accurate dosage control features shall be provided for adding coagulants ahead of the filter.

H. The tank and its integral parts shall be constructed of material capable of withstanding continuous, anticipated usage, and pressure tanks shall be designed for a pressure safety factor of four (4) based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch. (HDR 18 §14, 1-13-86)

R14.04.150 Filtration--High-rate sand filters. A. The filter must be National Sanitation Foundation (NSF) approved.

B. Flow rates are not to exceed twenty (20) gallons per minute per square foot of bed area. Flow rates between fifteen (15) and twenty (20) gallons per minute per square foot will require manufacturer's justification.

C. Filter media shall be in accordance with NSF specifications.

D. Filter backwash must be designed and installed to prevent loss of filter media. The sand bed shall remain reasonably level after backwash, not exceeding one inch (1") difference across the bed.

E. Design information of the inlet and outlet is to be provided. Data is to be provided on distribution of inlet and backwash water as well as methods for detection and prevention from loss of media during filter and backwash cycles.

F. Routine monitoring is to be performed and recorded.

1. Chlorine: Note free and total chlorine at least twice per day.

2. pH: Note at least once per day.

3. Bather load: Note estimated daily total as well as peak number during any one (1) period.

4. Differential pressure on filter: Note at least daily.

5. Alkalinity: Note level at least weekly.

6. Hardness: Note at least monthly.

7. Clarity and color: Note daily.

8. Sand depth and condition: Record depth of sand and relative levelness (absence of channels or signs of breakthrough).

G. Water quality shall remain in compliance with Section R14.04.270. (HDR 18 §15, 1-13-86)

R14.04.160 Filtration--Diatomaceous earth filters.

A. Sufficient filter area shall be provided to meet the design pump capacity as required by Section R14.04.130(A).

B. Rate of filtration: The design rate of filtration shall not be greater than 1.5 gallons per minute per square foot of effective filtering surface.

C. Where a body feeding device is provided, the device shall be accurate (plus or minus ten percent ($\pm 10\%$)) and dependable, and shall be capable of continually feeding within a calibrated range, adjustable from two (2) to six (6) parts per million, at the design capacity of the recirculation pump.

D. Filter area, where fabric is used, shall be determined on the basis of effective filtering surfaces as created by the septum supports with no allowances for areas of impaired filtration, such as broad supports, folds or portions which may bridge.

E. The filter and all component parts shall be of such materials, design and construction to withstand normal continuous use without significant deformation, deterioration, corrosion or wear which could adversely affect filter operation.

F. The tank containing the filter elements shall be constructed of steel, concrete, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating. Pressure filters shall be designed for a minimum working pressure of fifty (50) pounds per square inch with a four (4) to one (1) safety factor. Vacuum filters shall be designed to withstand the pressure developed by the weight of the water contained therein and closed vacuum filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of twenty-five inches (25") of mercury with a safety-factor of 1.5 in both instances. The septa shall be constructed to be resistant to rupture under conditions of the maximum differential pressure between influent and effluent which can be developed by the circulating pump and of adequate strength to resist any additional stresses developed by the cleaning operation.

G. The filter shall be so designed and constructed, or provision made, to preclude the introduction of filter aid into the pool during precoating operations. Public pools, during precoat, shall recirculate first-filtered water to filter or discharge to waste.

H. Where dissimilar metals, which may set up galvanic electric currents, are used in the filters, provision shall be made to resist electrolytic corrosion. The filters shall be designed in such a manner that they may be easily disassembled with allowances made for adequate working space above and around the filter to allow the removal and replacement of any part and for proper maintenance.

I. All pressure-type filters shall be piped so the

flow of water can be reversed for backwashing.

J. Provision shall be made for completely and rapidly draining the filter. (HDR 18 §16, 1-13-86)

R14.04.170 Ladders, steps, treads and handrails. A. Steps or ladders shall be provided at the shallow end of the pool if the vertical distance from the bottom of the pool to the deck or walk is over two feet (2'). A second means of entry and exit shall be provided in the deep portion of a pool having a depth greater than five feet (5'). If the pool is over thirty feet (30') wide, steps or ladders shall be installed on each side of the pool.

B. Steps leading into pools shall be of nonslip design and have a minimum tread of twelve inches (12"). Risers shall be uniform and not exceed twelve inches (12"). The stair tread edge shall be constructed of material so colored as to contrast with the color of the stairs. A safety railing shall be provided, extending from the deck to the bottom step.

C. Pool ladders shall be corrosion-resistant and shall be equipped with nonslip treads. All ladders shall be so designed as to provide a handhold and shall be rigidly installed. There shall be a clearance of not less than three inches (3") between any ladder and the pool wall. If steps are inserted in the walls or if stepholes are provided, they shall be of such design that they may be cleaned readily and shall be arranged to drain into the pool to prevent the accumulation of dirt thereon. Step-holes shall have a minimum tread of five inches (5") and a minimum width of fourteen inches (14"), except where freeze-proof stepholes must be installed.

D. Where ladders or stepholes are provided within the pool, there shall be a handrail at the top of both sides thereof, extending over the coping or edge of the deck.

E. Supports, platforms and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads. Steps shall be of corrosion-resistant material, easily cleanable, and of nonslip design. Handrails shall be provided at all steps and ladders leading to diving boards more than one (1) meter above the water, except those set at fifteen degrees (15°) or less from the vertical. Platforms and diving boards which are over one (1) meter high shall be protected with guard railings extending beyond the coping or edge of the deck and all steps or ladders shall enter from the side. (HDR 18 §17, 1-13-86)

R14.04.180 Fencing--Adjacent areas. A. Decks. A continuous deck at least four feet (4') wide shall extend completely around the pool. The deck shall be sloped to drain away from the pool at a grade of at least one-fourth inch (1/4") per foot, be provided with adequate drains unless

specifically exempted by the director, be impervious, easily cleanable, and shall have a nonslip surface. For public swimming pools, total walkway area shall not be less than sixteen (16) square feet per bather, based on the bather load as computed in Section R14.04.260.

B. Fencing. Nonswimmers and animals shall be excluded from the swimming pool area. Fencing requirements shall be those required by the local building official. If no local requirements exist, the following shall apply:

At outdoor swimming pools, the entire area shall be enclosed by a fence having a minimum height of five feet (5') with a self-closing, self-latching gate with latch no less than forty-two inches (42") from the ground. Openings, holes or gaps in the fence shall not exceed six inches (6") except openings protected by grates or doors. Spray pools and wading pools shall be fenced so as to prevent the entrance of animals and minimize the entrance of persons not actively utilizing the pool facilities.

C. Sand and Grass Areas. Sand and grass areas shall not be allowed inside of the pool enclosure unless properly separated to prevent direct access on the part of bathers and unless satisfactory facilities are provided for the proper cleansing of bathers before they again enter the bathing area. Separation may consist of any barrier so designed and constructed as to prevent the free and easy passage of persons to the bathing area. The provisions of this subsection shall not apply to semipublic pools, spray pools and wading pools. (HDR 18 §18, 1-13-86)

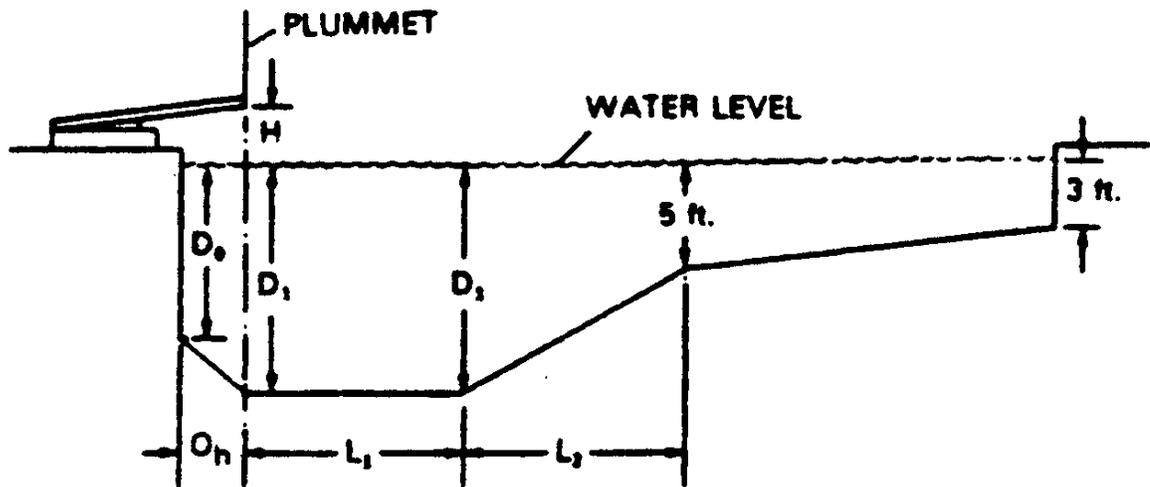
R14.04.190 Diving area. The dimensions for swimming pools in the diving area shall conform to the requirements A-1 through A-6 established by the American Public Health Association, which are codified as follows:

A-1

The dimensions of the diving area on all swimming pools shall conform to the following minimum dimensions:

TABLE 1
THE DIMENSIONS OF THE DIVING AREA ON ALL SWIMMING POOLS

<u>Height of Diving Board</u> (H)	<u>Water Depths</u> (D ₀) (D ₁)		<u>Lengths</u>		
			<u>Overhang</u> (O _n)	<u>Length of Diving Well</u> (L ₁)	<u>Runout</u> (L ₂)
Deck level to 2 ft.	6 ft.	8.5 ft.	3 ft.	12 ft.	10.5 ft.
2 ft. to 1 m.	6 ft.	10 ft.	5 ft.	12 ft.	15 ft.
1 m. to 3 m.	6 ft.	12 ft.	5 ft.	13 ft.	21 ft.



A-2

All swimming pools shall have at least 13 ft. (3.96 m) of free and unobstructed height above each diving board as measured from the center of the front end of the board, and this free unobstructed height shall extend horizontally at least 16 ft. (4.88 m) forward of the plummet, at least 8 ft. (2.44 m) behind the plummet, and at least 8 ft. (2.44 m) to both sides of the plummet. However, if the diving board manufacturer recommends a greater distance, at least that distance shall be provided.

A-3

All diving boards installed on swimming pools at heights not greater than 1 m above the water level shall be located at least 10 ft (3.05 m) from an adjacent diving board as measured plummet to plummet and at least 10 ft. (3.05 m) from the side wall of the swimming pool.

A-4

All diving boards installed on swimming pools at heights greater than 1 m above the water level shall be located at least 10 ft. (3.05 m) from an adjacent diving board as measured plummet to plummet and at least 12 ft. (3.66 m) from the side wall of the swimming pool.

A-5

All diving equipment shall be anchored firmly to the deck with corrosion-resistant connections and materials and shall be installed according to the manufacturer's instructions.

A-6

Diving stands supporting diving boards more than 2 ft. (0.61 m) above the water line shall have handrails.
(HDR 18 §19, Appx. A, 1-13-86)

R14.04.200 Disinfectant and chemical feeders. A. Swimming pools shall be equipped with a chlorinating, or other disinfectant feeder or feeders which meet the following requirements:

1. They shall meet the requirements of the National Sanitation Foundation (NSF) or equivalent.

2. They shall be of sturdy construction and materials which will withstand wear, corrosion or attack by disinfectant solutions or vapors and which are not adversely affected by repeated regular adjustments or other conditions anticipated in the use of the device. The feeder shall be capable of being easily disassembled for cleaning and maintenance. The design and construction shall be such as to preclude stoppage of chemicals intended to be used or foreign materials that may be contained therein. The feeder shall incorporate failure-proof features so that the disinfectant cannot feed directly into the pool, pool piping, water supply system, or pool enclosure under any type of failure of the equipment or its maintenance.

3. When chlorinators are used for public pools, the capacity shall be sufficient to feed at the rate of at least three (3) pounds of chlorine per twenty-four (24) hours per ten thousand (10,000) gallons of pool capacity.

4. They shall have a graduated and clearly marked dosage adjustment to provide flows from full capacity to twenty-five percent (25%) of such capacity. The device shall be capable of continuous delivery within ten percent (10%) of the dosage at any setting.

5. When the disinfectant is introduced at the suction side of the pump, a device or method shall be provided to prevent air lock of the pump or recirculation system.

6. When compressed chlorine gas is used, the following additional features shall be provided:

a. The chlorine and chlorinating equipment shall

be in a separate well-ventilated room. Such room shall not be below ground level and shall be provided with vents near the floor which terminate out of doors. The door of the room shall not open to the pool, and shall open to the outside and in a direction away from prevailing winds or ventilation systems.

b. The chlorinator equipment shall be of rugged design, capable of withstanding wear without developing leaks.

c. Chlorine cylinders shall be anchored to prevent their falling over. A valve stem wrench shall be maintained on the chlorine cylinder so the supply can be shut off quickly in the case of an emergency. Valve protection hood shall be kept in place except when the cylinder is connected to the chlorination system.

d. The chlorine feeding device shall be designed so that during accidents or interruptions of the water supply, leaking chlorine gas will be conducted to the out-of-doors.

e. The chlorinator shall be a solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

f. The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.

g. A gas mask with self-contained breathing apparatus designed for use in a chlorine atmosphere shall be provided. The gas mask shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is maintained.

h. A chlorine leak detector, such as bottled ammonia, shall be provided in the chlorinator room.

7. When a hypochlorite solution is used it shall be fed through hypochlorinator equipment. Such equipment shall also provide the following additional features:

a. Feed shall be positive under all conditions of pressure in the circulating system.

b. Dosage adjustment shall be provided to ensure constant feed with varying supply or back pressure.

c. Positive features to prevent backflow from recirculation system to the solution container, and provision for reducing to a minimum the entry into the pool of free calcium released from calcium hypochlorite shall be provided.

d. There shall be provision to prevent siphoning of hypochlorite solution when the recirculation pump and hypochlorinator are both turned off. (This applies to above-pool-level installations only.)

B. Equipment and piping used to apply chemicals to the water shall be of such size, design and material that they may be cleaned and will be free from clogging, preferably of the positive displacement type. All material used for such equipment and piping shall be resistant to action of

chemicals to be used therein.

C. Hand feeding may be used in swimming pools on an emergency basis only. (HDR 18 §20, 1-13-86)

R14.04.210 Lighting and ventilation. A. Pool and pool enclosure: All pools at which night bathing is permitted shall be provided with lighting fixtures of such number and design as to light all parts of the pool enclosure and the water in the pool. The lighting intensity measured at a point thirty inches (30") above any part of the pool walkway shall be not less than fifteen (15) foot-candles. Arrangements and design of lighting fixtures shall be such that bather and/or attendant may see clearly every part of the pool waters, pool bottom, walkways, springboards and other appurtenances without being blinded by light. When underwater pool lighting is provided, such lights shall be so installed with ground fault interrupters.

B. Shower rooms and dressing rooms, where provided, shall have lighting fixtures of such number and design, and so located, as to provide lighting intensity of not less than twenty-five (25) foot-candles measured at a point thirty inches (30") above any part of the shower room or dressing room floor. Location and construction of lighting fixtures and control switches shall be protected by ground fault interrupters.

C. Indoor pools and any auxiliary pool buildings shall be well ventilated to preclude the presence of noxious or irritating odors and excessive condensation. (HDR 18 §21, 1-13-86)

R14.04.220 Dressing rooms. A. Bathhouses to be used simultaneously by both sexes shall be divided into two parts separated by a tight partition, each designed for men or women. The entrances and exits shall be screened to break the line of sight.

B. Floors of bathhouses shall be of smooth-finished material with nonslip surface, impervious to moisture, and sloped to a drain. Junctions between walls and floor shall be covered.

C. Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Partitions in each dressing room shall terminate at least ten inches (10") above the floor or shall be placed on continuous raised masonry or concrete bases at least four inches (4") high. Lockers shall be set either on solid masonry bases four inches (4") high or on legs with bottom of locker at least ten inches (10") above the floor. Lockers shall be properly vented.

D. The requirements relating to bathhouses, dressing rooms, toilet facilities, wash basins and showers may be waived when such facilities are conveniently available to semipublic, wading and spray pool patrons. (HDR 18 §22, 1-13-86)

R14.04.230 Toilets and showers. A. Toilet, wash basin and shower facilities, except as exempted under Section R14.04.220(D), shall be provided on the basis of the following schedule:

PLUMBING FIXTURE SCHEDULE ¹

	Males	Females
Water closets	1--60	1--40
Urinals ²	1--60	---
Lavatories	1	1
Showers ³	2--40	2--40

- 1 Fixture schedules should be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use.
- 2 Urinals shall be so constructed that urine does not splash onto the floor or bathers' legs.
- 3 Minimum of 2.

B. The layout of the bathhouse shall be such that the bathers, on leaving the dressing rooms, pass the toilets and then showers en route to the pool.

C. Showers shall be supplied with water at a temperature of a minimum of ninety degrees Fahrenheit (90°F), and maximum one hundred twenty degrees Fahrenheit (120°F), at a rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed if necessary.

D. Wash basins: Where toilets are provided a minimum of one (1) wash basin shall be provided for each sex and be located adjacent to the toilets.

E. Soap: Liquid or powdered soap in suitable dispensing equipment shall be provided at each shower head and each wash basin, and soap dispensers shall be kept clean and filled at all times that the pool is in use.

F. Toilet tissue in suitable dispensers shall be provided at each toilet. Dispensers shall be kept filled at all times that the pool is in use.

G. Hose bibbs shall be provided at convenient locations within the dressing rooms and adjacent to the pool walkways at all public and semipublic pools and wading pools. All hose bibbs must be provided with approved antisiphon devices.

H. Angle-jet drinking fountains shall be provided at convenient locations within public pool enclosures. (HDR 18 §23, 1-13-86)

R14.04.240 Spectators and visitor areas. A. There shall be absolute separation between the spaces used by visitors and spectators from spaces used by bathers.

B. Where toilet facilities are provided for spectators, such facilities must be separate from those provided for bathers, and the approaches to spectators' toilet facilities shall not include areas where bathers pass in bare feet. (HDR 18 §24, 1-13-86)

R14.04.250 Outdoor location. Outdoor pools shall be located where they will not be exposed to excessive pollution by dust, smoke, soot, surface drainage from surrounding areas, or other undesirable substances. (HDR 18 §25, 1-13-86)

R14.04.260 Swimming and nonswimming areas. A. For the purpose of this chapter, those portions of the pool five feet six inches (5'6") or less in depth shall be designated as "nonswimmer" areas. Portions of the pool over five feet six inches (5'6") in depth shall be designated as the "swimming" area.

B. For the purposes of computing swimmer and bather capacity, pool areas shall be determined as follows:

$$\text{Maximum bathing load} = \frac{A - S}{27} + \frac{S}{10}$$

Where

A = Total area of water surface in square feet.

S = Area of pool less than five feet six inches (5' 6") deep in square feet.

C. A sign with clearly legible letters not less than four inches (4") high shall be posted near the main entrance to a pool indicating the maximum bathing load. (HDR 18 §26, 1-13-86)

R14.04.270 Disinfection and quality of water. A disinfection process or procedure shall be used at all pools subject to this chapter for the purpose of ensuring continuous disinfection of the water throughout the pool during the period the pool is in use. When chlorine compounds are used as the disinfectant, the water in the pool at all times while in use shall contain a free chlorine residual of not less than 1.0 parts per million as measured by the DPD method, or shall contain a free chlorine residual of a higher value to be determined by the health officer. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. A testing kit for measuring the concentration of the disinfectant, accurate within 0.1 part per million, shall be provided at each pool.

B. When cyanuric acid compounds are used as a

disinfectant the cyanurate concentration shall not exceed ninety (90) parts per million, and the chlorine and free chlorine residual shall be at least 1.5 parts per million. A test kit to monitor cyanuric acid shall be kept and used at each facility where cyanuric acid compounds are used.

C. The director may accept other disinfecting materials or methods when they have been adequately demonstrated to provide a satisfactory residual effect and to otherwise be equally as effective under conditions of use as the chlorine concentration required in this chapter, and not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water.

D. The swimming pool water shall be maintained in an alkaline condition as indicated by a pH of between 7.2 and 8.0 and when pH is maintained at 7.8 and 8.0, the minimum free chlorine residual shall be no less than 2.0 parts per million. A pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each swimming pool. The alkalinity of the water in pools shall be at least eighty (80) parts per million. Suitable equipment for the feeding of pH-regulating chemicals at such points that their use will be most effective shall be provided in public pools.

E. The water shall have sufficient clarity at all times so that the main drain is readily visible. Failure to meet this requirement shall constitute grounds for immediate closing of the pool.

F. Not more than fifteen percent (15%) of the samples covering any considerable period of time, nor more than two (2) consecutive samples, shall either (1) contain more than two hundred (200) bacteria per milliliter, as determined by the heterotrophic plate count, or (2) show positive test (confirmed test) for coliform organisms in any of the five (5) ten (10) milliliter portions of a sample or more than 1.0 coliform organisms per fifty (50) milliliters when the membrane filter test is used. All samples shall be collected, dechlorinated and examined in accordance with the procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Waste-Water," (American Public Health Association). The director shall prescribe the type and frequency of collection and examination of samples to assure water quality meets minimum requirements. (HDR 18 §27, 1-13-86)

R14.04.280 Cleaning pool and floors. A. Visible dirt on the bottom of the pool shall be removed as frequently as required.

B. Visible scum or floating matter on the pool surface shall be removed by flushing or other effective means.

C. Floors in bathhouses and appurtenances as well as pool decks and walkways shall be scrubbed to ensure cleanliness at all times. Disinfection with chlorine solution or

other germicides shall be accomplished at least daily.
(HDR 18 §28, 1-13-86)

R14.04.290 Cleansing before entry. All persons using public or semipublic pools shall be required to take a cleansing bath in the nude, using warm water and soap, and to rinse off all soapsuds before entering the pool. In the case of semipublic pools, the requirement of this section will be posted in a prominent location within each living unit, or on a prominent sign adjacent to the pool. (HDR 18 §29, 1-13-86)

R14.04.300 Communicable disease. No person having skin lesions; sore or inflamed eyes; mouth, nose or ear discharges; or who is a carrier of any communicable disease shall use any pool subject to this chapter. (HDR 18 §30, 1-13-86)

R14.04.310 Pollution of pool. A. Urinating, expectorating, blowing the nose or depositing any deleterious matter in any pool subject to this chapter is prohibited.

B. Glass or other breakable objects shall be completely banned from the enclosure of any swimming pool.
(HDR 18 §31, 1-13-86)

R14.04.320 Spectators prohibited next to pool. Persons not dressed for bathing shall not be allowed on walks immediately adjacent to public pools. (HDR 18 §32, 1-13-86)

R14.04.330 Lifesaving and safety equipment. A. Every public and semipublic swimming pools shall be equipped with one (1) or more light but strong poles with attached body hook (blunt ends) and not less than twelve feet (12') in length, for making reaching assists and rescues, one or more throwing buoys not more than fifteen inches (15") in diameter, having three-sixteenths-inch (3/16") attached line long enough to span the maximum width of the pool, placed in easily accessible racks adjacent to the pool, a standard twenty-four (24) unit first aid kit, which shall be kept filled and readily accessible for emergency use, and two (2) or more blankets reserved for emergency use. In addition, there shall be prominently displayed immediately adjacent to the telephone, a telephone number list to include the nearest available doctor, ambulance service, hospital or police or fire department rescue unit.

B. Swimming pools not providing lifeguards shall post a warning sign in plain view, "Warning -- No Lifeguard on Duty."

C. Swimming pools with a maximum depth of less than six feet shall post a warning sign in plain view, "No Diving Allowed." (HDR 18 §33, 1-13-86)

R14.04.340 Personal equipment. Common towels, bathing suits, caps, combs, brushes and drinking cups are prohibited. Bathing suits, towels and bathing caps furnished patrons at any pool subject to this chapter shall be laundered with soap and hot water, and thoroughly rinsed and dried before reuse. (HDR 18 §34, 1-13-86)

R14.04.350 Posting of regulations. Placards reciting Sections R14.04.290 through R14.04.340 shall be posted conspicuously at the pool or enclosure and in the dressing rooms and offices of all pools subject to the provisions of this chapter. (HDR 18 §35, 1-13-86)

R14.04.360 Pools not in operation. Pools not in operation shall do one of the following:

A. Be adequately fenced and locked to prevent entrance of persons to the pool area and covered with a safety cover;

B. Be adequately fenced and locked to prevent entrance of persons to the pool area and the pool completely drained or water quality maintained with sufficient clarity at all times so that the main drain is readily visible;

C. Emptied of water and filled with an appropriate fill material. (HDR 18 §37, 1-13-86)

R14.04.370 Variances. The director may grant a variance from requirements of this chapter as follows:

A. Where it is demonstrated to the satisfaction of the director that strict compliance with this chapter would be highly burdensome or impractical due to special conditions or cause;

B. Where the public or private interest in the granting of the variance is found by the director to clearly outweigh the interest of the application of uniform rules; and

C. Where such alternative measures are provided which in the opinion of the director will provide adequate public health and safety protection. (HDR 18 §38, 1-13-86)

R14.04.380 Violation--Closure. A. If, in the opinion of the director, a pool is maintained or operated in a manner which creates an unhealthful, unsafe or insanitary condition, the pool may be closed by the director. The pool shall not be reopened until correction is made, and upon specific written approval of the director.

B. Unhealthful, unsafe or insanitary conditions include, but are not limited to, the failure to meet clarity, disinfection, pH, safety or bacteriological standards, the presence of pathogenic organisms, or evidence of a disease outbreak. (HDR 18 §36, 1-13-86)

Chapter R14.08

SPA POOLS

Sections:

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- R14.08.020 Water supply.
- R14.08.030 Sewer.
- R14.08.040 Construction materials.
- R14.08.050 Design load, certification and shape.
- R14.08.060 Outlets.
- R14.08.070 Inlets.
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- R14.08.090 Air induction systems.
- R14.08.100 Skimmers.
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- R14.08.120 Filtration--Slow sand filters.
- R14.08.130 Filtration--High-rate sand filters.
- R14.08.140 Filtration--Diatomaceous earth filters.
- R14.08.150 Filtration--Cartridge filters.
- R14.08.160 Ladders, steps, treads and handrails.
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- R14.08.330 Posting of regulations.
- R14.08.340 Spa pools not in operation.
- R14.08.350 Variances.
- R14.08.360 Violation--Closure.

R14.08.010 Definitions. As used in this chapter, unless the context clearly requires another meaning:

A. "Approved" means approved in writing by the director of public health.

B. "Department" means the Seattle-King County department of public health.

C. "Director of public health" means the director of the department or his/her authorized representative.

D. "Person" means any individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

E. "Private spa pool" means any spa pool maintained by an individual, the use of which is confined to members of his/her family or invited guests. Private spa pools shall not be subject to the provisions of this chapter.

F. "Spa pool" means a unit designed for recreational and therapeutic use which is not drained, cleaned or refilled for each user. It may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a spa pool includes, but is not limited to, "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," "hot tubs," "sensory deprivation tanks," etc. This standard excludes hospitals nursing homes, boarding homes, and medical clinics. (HDR 17 §1, 1-13-86)

R14.08.020 Water supply. A. The water supply serving the spa pool and all plumbing fixtures including drinking fountains, lavatories and showers, shall meet the requirements of the rules and regulations of the Washington State Board of Health.

B. All portions of the water distribution system serving the spa pool and auxiliary facilities shall be protected against backflow.

1. Water introduced into the spa pool, either directly or to the recirculation system, shall be supplied through an air gap or backflow preventer approved by the director.

2. In the case of plumbing connections to the potable water distribution system, the supply shall be protected by a suitable air gap whenever possible. When such air gaps are not possible, the supply shall be protected by an approved backflow preventer installed on the discharge side of the last control valve to the fixture, device or appurtenance. (HDR 17 §2, 1-13-86)

R14.08.030 Sewer. A. The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations.

B. There shall be no direct physical connection between the sewer system and any drain from the spa pool or recirculation system. Any spa pool drain or overflows from the recirculation system when discharged to the sewer system, storm drain or other approved natural drainage course shall connect through a suitable air gap so as to preclude the possibility of backup of sewage or waste into the spa pool piping system.

C. The sanitary sewer serving the spa pool and auxiliary facilities shall discharge to the public sewer system whenever possible. Where no such sewer is available, the

connection shall be made to a suitable disposal system designed, constructed and operated in accordance with the requirements of the director. (HDR 17 §3, 1-13-86)

R14.08.040 Construction materials. A. Spa pools and all appurtenances thereto shall be constructed of materials which are inert, nontoxic to man, water impervious and durable, which can withstand the design stresses, which will provide a tight tank, with a smooth, easily cleaned surface, or to which a smooth, easily cleaned surface finish can be applied, and which may be finished in white or light color.

B. All corners formed by intersection of walls with floors shall be rounded. All surfaces which may come in contact with the user must be assembled, finished and maintained so that they will not constitute a cutting, pinching, puncturing or abrasion hazard under expected or casual contact.

C. Wood shall be considered to be an acceptable material for spa pools. (HDR 17 §4, 1-13-86)

R14.08.050 Design load, certification and shape. A. All spa pools shall be designed and constructed to withstand all anticipated loadings for both full and empty conditions. A hydrostatic relief valve shall be provided in outdoor spa pools in areas having a high water table. The designing architect or engineer shall be responsible for certifying to the structural stability and safety of the pool.

B. The shape of any spa pool shall be such that the user's safety will not be impaired. (HDR 17 §5, 1-13-86)

R14.08.060 Outlets. Two (2) main drains shall be provided in the spa pool. Openings must be covered with grates or other protective devices which shall be removable only with tools. Net area of outlet openings of the drains in the floor of the spa pool shall be such as to preclude the possibility of developing a suction dangerous to users' safety and shall be at least four (4) times the area of the discharge pipe or provide sufficient area so the maximum velocity of the water passing the grate will not exceed one and one-half feet (1½') per second or shall be an anti-vortex drain. Main drain piping shall be valved and shall discharge to the recirculation pump suction and have a capacity equal to one hundred percent (100%) of the recirculation pump capacity. (HDR 17 §6, 1-13-86)

R14.08.070 Inlets. Inlets for fresh and/or repurified water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire spa pool, without existence of dead spots. Inlets from the circulation system shall be flush with the spa pool wall and submerged at least

twelve inches (12") below the water level. (HDR 17 §7, 1-13-86)

R14.08.080 Slope of bottom. All portions of the spa pool bottom shall have definite and continuous slope toward the bottom drains. (HDR 17 §8, 1-13-86)

R14.08.090 Air induction systems. A. Air induction systems, when provided, shall totally prevent water backup that would cause electrical shock hazards.

B. Air intake sources shall be positioned and/or designed to minimize contaminants (such as deck water, dirt, etc.) from being introduced into the spa pool. (HDR 17 §, 1-13-86)

R14.08.100 Skimmers. Skimmers are required on spa pools. At least one (1) skimming device shall be provided for each one hundred (100) square feet of surface area or fraction thereof. If more than one (1) skimmer is used, they shall be so located as to minimize interference with each other and to ensure proper skimming of the entire spa pool surface. Skimming devices shall be built into the spa pool wall, shall be valved, shall develop sufficient velocity on the pool water surface to induce floating oils and wastes into the skimmer from the entire spa pool area, and shall meet the following general specifications:

A. The piping and other pertinent components of skimmers shall be designed for a total capacity of at least one hundred percent (100%) of the required filter flow of the recirculation system and no skimmer shall be designed for a flow-through rate of less than thirty (30) gallons per minute or 3.75 gallons per minute per lineal inch of weir.

B. The skimmer weir shall be automatically adjustable and shall operate freely with continuous action to variations in water level over a range of at least four inches (4"). The weir shall operate at all flow variations as described in Section 14.08.110(A). The weir shall be of such buoyancy and design so as to develop an effective velocity.

C. An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.

D. The skimmer shall be provided with a device to prevent airlock in the suction line. If an equalizer pipe is used, it shall provide an adequate amount of water for pump suction should the water of the spa pool drop below the weir level; provided, that if any other device, surge tank or arrangement is used, a sufficient amount of water for pump suction shall be assured.

E. Where the equalizer pipe is used, it shall be sized to meet the capacity requirements of the filter and pump. This pipe shall be located at least one foot (1') below the

lowest overflow level of the skimmer. It shall be provided with a valve or equivalent device that will remain tightly closed under normal operating conditions, but will automatically open when the skimmer becomes starved and the water level drops two inches (2") below the lowest weir level.

F. The skimmer shall be of sturdy, corrosion-resistant materials.

G. Prevailing winds shall be considered in placement of skimmers to assure removal of wind-blown material. (HDR 17 §10, 1-13-86)

R14.08.110 Recirculation system. A. A recirculation system, consisting of pumps, piping, fittings, water conditioning, and disinfection equipment and other accessory equipment, shall be provided at all spa pools which will circulate the spa pool volume of water in thirty (30) minutes or less. Not less than sixty percent (60%) of the recirculated water shall be returned through the overflow channels or skimming devices.

B. All piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed eight feet (8') per second.

C. On systems where the pump is located before the filter the recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump and filters. Strainers shall be corrosion-resistant with openings which will provide a free flow area at least four (4) times the area of pump suction line and shall be readily accessible for frequent cleaning.

D. A rate-of-flow indicator, reading in gallons per minute, shall be installed and located on the spa pool return (inlet) line. The indicator shall be capable of flows measuring at least one and one-half (1 1/2 times the design flow rate, shall be accurate to within ten percent (10%) of true flow, and shall be easy to read.

E. Pumps shall be of adequate capacity to provide the required number of turnovers of spa pool water as specified in subsection A of this section, and whenever possible shall be so located as to eliminate the need for priming. If the pump or suction piping is located above the overflow level of the spa pool, the pump shall be self-priming. The pump or pumps shall be capable of providing adequate flow for the backwashing of filters.

F. Pressure filter systems shall be provided with influent and effluent pressure gauges, or loss-of-head gauges, and backwash sight glass on the waste discharge line. Air relief valves at or near the high point of the filter may be provided.

G. Vacuum filter systems shall provide a vacuum gauge between the filter and the motor.

H. Provision shall be made for valving to provide drainage of each spa pool as necessary for routine cleaning and maintenance. (HDR 17 §11, 1-13-86)

R14.08.120 Filtration--Slow sand filters. A. Sand filters shall be designed for a filter rate of not more than three (3) gallons per minute per square foot of bed area with sufficient area to meet the design rate of flow required by the prescribed turnover.

B. Filtering material shall consist of at least twenty inches (20") of screened, sharp filter sand with an effective size between .4 and .55 millimeters and a uniformity coefficient not exceeding 1.75, supported by at least ten inches (10") of graded filter gravel. Anthracite of appropriate size and uniformity coefficient of 0.6 to 0.8 millimeters with a uniformity coefficient of not greater than 1.8 may be used in lieu of the sand. The gravel shall effectively distribute water uniformly during filtration and backwashing. A reduction in this depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

C. The underdrain system shall be of corrosion-resistant and enduring material, so designed and of such material that the orifices or other openings will maintain approximately constant area. It shall be designed to provide even collection or distribution of the flow during filtration or backwashing.

D. At least twelve inches (12") of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing.

E. The filter system shall be designed with necessary valves and piping to permit:

1. Filtering to spa pool;
2. Individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area;
3. Isolation of filters for repairs while other units are in service;
4. Complete drainage of all parts of the system;
5. The overall layout shall permit necessary maintenance, operation and inspection in a convenient manner.

F. Each pressure sand filter shall be provided with an access opening of not less than a standard eleven-inch (11") by fifteen-inch (15") manhole and cover.

G. Aluminum sulfate (alum) or other compounds not disapproved by the director may be used as coagulants. Devices with reasonably accurate dosage control features shall be provided for adding coagulants ahead of the filter.

H. The tank and its integral parts shall be constructed of material capable of withstanding continuous, anticipated usage, and pressure tanks shall be designed for a

pressure safety factor of four (4) based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch. (HDR 17 §12, 1-13-86)

R14.08.130 Filtration--High-rate sand filters. A. The filter must be National Sanitation Foundation (NSF) approved.

B. Flow rates are not to exceed ten (10) gallons per minute per square foot of bed area. Any rates in excess of ten (10) gallons per minute per square foot must be justified by the manufacturer. In no case shall flows exceeding twenty (20) gallons per minute per square foot be considered.

C. Filter media shall be in accordance with NSF specifications.

D. Filter backwash must be designed and installed to prevent loss of filter media. The sand bed shall remain reasonably level after backwash, not exceeding one inch (1") difference across the bed.

E. Design information of the inlet and outlet is to be provided. Data is to be provided on distribution of inlet and backwash water as well as methods for detection and prevention from loss of media during filter and backwash cycles.

F. Routine monitoring is to be performed and recorded.

1. Chlorine: note free and total chlorine at least twice per day.

2. pH: note at least once per day.

3. Bather load: note estimated daily total as well as peak number during any one (1) period.

4. Differential pressure on filter: note at least daily.

5. Alkalinity: note level at least weekly.

6. Hardness: note at least monthly.

7. Clarity and color: note daily.

8. Sand depth and condition: record depth of sand and relative levelness (absence of channels or signs of breakthrough).

C. Water quality shall remain in compliance with Section R14.08.250. (HDR 17 §13, 1-13-86)

R14.08.140 Filtration--Diatomaceous earth filters.

A. Sufficient filter area shall be provided to meet the design pump capacity as required by Section R14.08.110(A).

B. Rate of filtration: The design rate of filtration shall not be greater than 1.5 gallons per minute per square foot of effective filtering surface.

C. Where a body feeding device is provided, the device shall be accurate (plus or minus ten percent (+10%)) and dependable, and shall be capable of continually feeding within a calibrated range, at the design capacity of the

recirculation pump.

D. Filter area, where fabric is used, shall be determined on the basis of effective filtering surfaces as created by the septum supports with no allowances for areas of impaired filtration, such as broad supports, folds or portions which may bridge.

E. The filter and all component parts shall be of such materials, design and construction to withstand normal continuous use without significant deformation, deterioration, corrosion or wear which could adversely affect filter operation.

F. The tank containing the filter elements shall be constructed of steel, concrete, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating. Pressure filters shall be designed for a minimum working pressure of fifty (50) pounds per square inch with a four (4) to one (1) safety factor. Vacuum filters shall be designed to withstand the pressure developed by the weight of the water contained therein and closed vacuum filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of twenty-five inches (25") of mercury with a safety factor of 1.5 in both instances. The septa shall be constructed to be resistant to rupture under conditions of the maximum differential pressure between influent and effluent which can be developed by the circulating pump and of adequate strength to resist any additional stresses developed by the cleaning operation.

G. The filter shall be so designed and constructed, or provision made, to preclude the introduction of filter aid into the pool during precoating operations.

H. Where dissimilar metals, which may set up galvanic electric currents, are used in the filters, provision shall be made to resist electrolytic corrosion. The filters shall be designed in such a manner that they may be easily disassembled with allowances made for adequate working space above and around the filter to allow the removal and replacement of any part and for proper maintenance.

I. All pressure-type filters shall be piped so the flow of water can be reversed for backwashing.

J. Provision shall be made for completely and rapidly draining the filter. (HDR 17 §14, 1-13-86)

R14.08.150 Filtration--Cartridge filters. A. The filter must be National Foundation System approved.

B. The filter rate on a cartridge filter shall not exceed 0.375 gallons per minute per square foot of effective filter area with sufficient area to meet the prescribed turnover.

C. The filter and all component parts shall be of such materials, design and construction to withstand normal continuous use without significant deformation, deterioration,

corrosion or wear which could adversely affect filter operation.

D. The tank containing the filter elements shall be constructed of steel, concrete, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating.

E. Pressure filters shall be designed for a minimum working pressure of fifty (50) pounds per square inch with a four (4) to one (1) safety factor.

F. Provision shall be made for completely and rapidly draining the filter.

G. An extra set of cartridges shall be provided for cleaning purposes. (HDR 17 §15, 1-13-86)

R14.08.160 Ladders, steps, treads and handrails.

A. Recessed steps, ladders or stairways shall be provided if the vertical distance from the bottom of the spa pool to the deck or walk is over two feet (2'). If the spa pool is over fifty feet (50') in perimeter, such steps or ladders shall be installed on each side. When stairs extend into the spa pool the stair tread edge must be constructed of a material so colored as to contrast with the color of the stairs and be clearly visible and evident to bathers.

B. Stairs leading into pools shall be of nonslip design, have a minimum tread of twelve inches (12") and a maximum rise or height of ten inches (10"). The stair tread edge shall be constructed of material so colored as to contrast with the color of the stairs. There shall be no abrupt drop off or submerged projections into the spa pool, unless guarded by handrails.

C. Spa pool ladders shall be corrosion-resistant and shall be equipped with nonslip treads. All ladders shall be so designed as to provide a handhold and shall be rigidly installed. There shall be a clearance of not less than three inches (3") between any ladder and the spa pool wall. If steps are inserted in the walls or if stepholes are provided, they shall be of such design that they may be cleaned readily and shall be arranged to drain into the spa pool to prevent the accumulation of dirt thereon. Step-holes shall have a minimum tread of five inches (5") and a minimum width of fourteen inches (14"), except where freeze-proof step-holes must be installed.

D. Where stepholes or ladders are provided within the spa pool, there shall be a handrail at the top of both sides thereof, extending over the coping or edge of the deck. (HDR 17 §16, 1-13-86)

R14.08.170 Fencing--Adjacent areas.

A. Decks. A continuous deck at least four feet (4') wide shall extend around at least fifty percent (50%) of the spa pool. The deck or floor shall be sloped to drain away from the spa pool at a grade of at least one-fourth inch (1/4") per foot,

be provided with adequate drains unless specifically exempted by the director, and shall have a nonslip surface.

B. Fencing. Nonswimmers and animals shall be excluded from the spa pool area. Fencing requirements for outdoor spa pools shall be those required by the local building official. If no local requirements exist, the following shall apply:

The entire area shall be enclosed by a fence having a minimum height of five feet (5') with a self-closing, self-latching gate with latch no less than forty-two inches (42") from the ground. Openings, holes or gaps in the fence shall not exceed six inches (6") except openings protected by grates or doors.

C. Sand and Grass Areas. Sand and grass areas shall not be allowed inside of the spa pool enclosure unless properly separated to prevent direct access on the part of bathers and unless satisfactory facilities are provided for the proper cleansing of bathers before they again enter the bathing area. Separation may consist of any barrier so designed and constructed as to prevent the free and easy passage of persons to the bathing area. (HDR 17 §17, 1-13-86)

R14.08.180 Disinfectant and chemical feeders. A. Disinfectant feeders must meet the following requirements:

1. They shall meet the requirements of the National Sanitation Foundation (NSF) or equivalent.

2. They shall be of sturdy construction and materials which will withstand wear, corrosion or attack by disinfectant solutions or vapors and which are not adversely affected by repeated regular adjustments or other conditions anticipated in the use of the device. The feeder shall be capable of being easily disassembled for cleaning and maintenance. The design and construction shall be such as to preclude stoppage of chemicals intended to be used or foreign materials that may be contained therein. The feeder shall incorporate failure-proof features so that the disinfectant cannot feed directly into the spa pool, spa pool piping, water supply system, or pool enclosure under any type of failure of the equipment or its maintenance.

3. When chlorinators are used for public pools, the capacity shall be sufficient to feed at the rate of at least three (3) pounds of equivalent chlorine per twenty-four (24) hours per ten thousand (10,000) gallons of pool capacity.

4. They shall have a graduated and clearly marked dosage adjustment to provide flows from full capacity to twenty-five percent (25%) of such capacity. The device shall be capable of continuous delivery within ten percent (10%) of the dosage at any setting.

5. When the disinfectant is introduced at the suction side of the pump, a device or method shall be provided to prevent air lock of the pump or recirculation system.

6. When compressed chlorine gas is used, the

following additional features shall be provided:

a. The chlorine and chlorinating equipment shall be in a separate well-ventilated room. Such room shall not be below ground level and shall be provided with vents near the floor which terminate out of doors. The door of the room shall not open to the spa pool, and shall open to the outside and in a direction away from prevailing winds or ventilation systems.

b. The chlorinator equipment shall be of rugged design, capable of withstanding wear without developing leaks.

c. Chlorine cylinders shall be anchored to prevent their falling over. A valve stem wrench shall be maintained on the chlorine cylinder so the supply can be shut off quickly in the case of an emergency. Valve protection hood shall be kept in place except when the cylinder is connected to the chlorination system.

d. The chlorine feeding device shall be designed so that during accidents or interruptions of the water supply, leaking chlorine gas will be conducted to the out-of-doors.

e. The chlorinator shall be a solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

f. The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.

g. A gas mask with self-contained breathing apparatus designed for use in a chlorine atmosphere shall be provided. The gas mask shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is maintained.

h. A chlorine leak detector, such as bottled ammonia, shall be provided in the chlorinator room.

Generally, chlorine gas shall not be used in conjunction with spa facilities unless this is a large complex with trained personnel cognizant of proper operation of chlorine gas, chlorinators, and associated safety equipment.

7. When a hypochlorite solution is used it shall be fed through hypochlorinator equipment. Such equipment shall also provide the following additional features:

a. Feed shall be positive under all conditions of pressure in the circulating system.

b. Dosage adjustment shall be provided to ensure constant feed with varying supply or back pressure.

c. Positive features to prevent backflow from recirculation system to the solution container, and provision for reducing to a minimum the entry into the spa pool of free calcium released from calcium hypochlorite shall be provided.

d. There shall be provision to prevent siphoning of hypochlorite solution when the recirculation pump and hypochlorinator are both turned off. (This applies to

above-spa-pool-level installations only.)

B. Equipment and piping used to apply chemicals to the water shall be of such size, design and material that they may be cleaned and will be free from clogging, preferably of the positive displacement type. All material used for such equipment and piping shall be resistant to action of chemicals to be used therein.

C. Hand feeding will be allowed only on an emergency basis. (HDR 17 §18, 1-13-86)

R14.08.190 Lighting and ventilation. A. Spa pool and spa pool enclosure: All spa pools at which night bathing is permitted shall be provided with lighting fixtures of such number and design as to light all parts of the spa pool enclosure and the water in the spa pool. The lighting intensity measured at a point thirty inches (30") above any part of the spa pool walkway shall be not less than fifteen (15) foot-candles. Arrangements and design of lighting fixtures shall be such that bather and/or attendant may see clearly every part of the spa pool waters, spa pool bottom, walkways, and other appurtenances without being blinded by light. When underwater pool lighting is provided, such lights shall be so installed in conformance with local electrical codes.

B. Shower rooms and dressing rooms, where provided, shall have lighting fixtures of such number and design, and so located, as to provide lighting intensity of not less than twenty-five (25) foot-candles measured at a point thirty (30) inches above any part of the shower room or dressing room floor. Location and construction of lighting fixtures and control switches shall be protected by ground-fault interrupters.

C. Indoor pools and any auxiliary pool buildings shall be well ventilated to preclude the presence of noxious or irritating odors and excessive condensation. (HDR 17 §19, 1-13-86)

R14.08.200 Dressing rooms. A. Bathhouses to be used simultaneously by both sexes shall be divided into two (2) parts separated by a tight partition, each designed for men or women. The entrances and exits shall be screened to break the line of sight.

B. Floors of bathhouses shall be of smooth-finished material with nonslip surface, impervious to moisture, and sloped to a drain. Junctions between walls and floor shall be covered.

C. Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Partitions in each dressing room shall terminate at least ten inches (10") above the floor or shall be placed on continuous raised masonry or concrete bases at least four inches (4") high. Lockers shall be set either on solid masonry bases four

inches (4") high or on legs with bottom of locker at least ten inches (10") above the floor. Lockers shall be properly vented.

D. The requirements relating to bathhouses, dressing rooms, toilet facilities, wash basins and showers may be waived when such facilities are conveniently available. (HDR 17 §20, 1-13-86)

R14.08.210 Toilets and showers. A. Toilet, wash basin and shower facilities, except as exempted under Section R14.08.200(D), shall be provided on the basis of the following schedule:

PLUMBING FIXTURE SCHEDULE ¹

	Males	Females
Water closets	1--60	1--40
Urinals ²	1--60	---
Lavatories	1	1
Showers ³	2--40	2--40

- 1 Fixture schedules should be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use.
- 2 Urinals shall be so constructed that urine does not splash onto the floor or bathers' legs.
- 3 Minimum of 2.

B. The layout of the bathhouse shall be such that the bathers, on leaving the dressing rooms, pass the toilets and then showers en route to the spa pool.

C. Showers shall be supplied with water at a temperature of a minimum of ninety degrees Fahrenheit (90°F), and maximum one hundred twenty degrees Fahrenheit (120°F), at a rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed if necessary

D. Wash basins: Where toilets are provided a minimum of one (1) wash basin shall be provided for each sex and be located adjacent to the toilets.

E. Soap: Liquid or powdered soap in suitable dispensing equipment shall be provided at each shower head and each wash basin, and soap dispensers shall be kept clean and filled at all times that the spa pool is in use.

F. Toilet tissue in suitable dispensers shall be provided at each toilet. Dispensers shall be kept filled at

all times that the spa pool is in use.

G. Hose bibbs shall be provided at convenient locations within the dressing rooms and adjacent to the spa pool walkways. All hose bibbs must be provided with approved antisiphon devices.

H. Angle-jet drinking fountains shall be provided at convenient locations at public spa pools. (HDR 17 §21, 1-13-86)

R14.08.220 Spectators and visitor areas. A. There shall be absolute separation between the spaces used by visitors and spectators from spaces used by bathers.

B. Where toilet facilities are provided for spectators, such facilities must be separate from those provided for bathers, and the approaches to spectators' toilet facilities shall not include areas where bathers pass in bare feet. (HDR 17 §22, 1-13-86)

R14.08.230 Outdoor location. Outdoor pools shall be located where they will not be exposed to excessive pollution by dust, smoke, soot, surface drainage from surrounding areas, or other undesirable substances. (HDR 17 §23, 1-13-86)

R14.08.240 Bather load. A. Bather capacity shall be not greater than one (1) person per ten (10) square feet of surface area of the spa pool.

B. A sign with clearly legible letters not less than four inches (4") high shall be posted near the spa indicating the maximum bather load. (HDR 18 §24, 1-13-86)

R14.08.250 Disinfection and quality of water. A. A disinfection process or procedure shall be used at all spa pools subject to this chapter for the purpose of ensuring continuous disinfection of the water throughout the spa pool during the period the spa pool is in use. When chlorine compounds are used as the disinfectant, the water in the spa pool at all times while in use shall contain a free chlorine residual of not less than 2.0 parts per million as measured by the DPD method, or shall contain a free chlorine residual of a higher value to be determined by the health officer. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. A testing kit for measuring the concentration of the disinfectant, accurate within 0.1 part per million, shall be provided at each spa pool.

B. When cyanuric acid compounds are used as a disinfectant the cyanurate concentration shall not exceed ninety (90) parts per million, and the chlorine and free chlorine residual shall be at least 2.0 parts per million. A test kit to monitor cyanuric acid shall be kept and used at each facility where cyanuric acid compounds are used.

C. The director may accept other disinfecting materials or methods when they have been adequately demonstrated to provide a satisfactory residual effect and to otherwise be equally as effective under conditions of use as the chlorine concentration required in this chapter, and not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water.

D. The spa pool water shall be maintained in an alkaline condition as indicated by a pH of between 7.2 and 7.6. A pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each spa pool. The alkalinity of the water in pools shall be at least eighty (80) parts per million measured as calcium carbonate.

E. The water shall have sufficient clarity at all times so that a standard two-inch (2") (five (5) centimeter) diameter clarity disc divided into alternate black and red quadrants is clearly visible and the separate colors discernible through four feet (4') of water. Alternately, there may be a maximum of 1.0 NTU (nephelometric turbidity unit).

F. Not more than fifteen percent (15%) of the samples covering any considerable period of time, nor more than two (2) consecutive samples, shall either (1) contain more than two hundred (200) bacteria per milliliter, as determined by the heterotrophic plate count, or (2) show positive test (confirmed test) for coliform organisms in any of the five (5) ten (10) milliliter portions of a sample or more than 1.0 coliform organisms per fifty (50) milliliters when the membrane filter test is used. All samples shall be collected, dechlorinated and examined in accordance with the procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Waste-Water," (American Public Health Association). The director shall prescribe the type and frequency of collection and examination of samples to assure water quality meets minimum requirements. (HDR 17 §25, 1-13-86)

R14.08.260 Cleaning spa pool and floors. A. Visible dirt on the bottom of the spa pool shall be removed as frequently as required.

B. Visible scum or floating matter on the spa pool surface shall be removed by flushing or other effective means.

C. Any oil rings shall be removed around the edge of the spa to avoid build up.

D. The spa pool shall be emptied, cleaned and refilled with fresh water when the total dissolved solids reach one thousand five hundred (1,500) parts per million or once every thirty (30) days, whichever is oftener.

E. Floors in bathhouse and appurtenances as well as the spa pool decks and walkways shall be scrubbed to ensure cleanliness at all times. Disinfection with chlorine

solution or other germicides shall be accomplished at least daily. (HDR 17 §26, 1-13-86)

R14.08.270 Cleansing before entry. All persons using spa pools shall be required to take a cleansing bath in the nude, using warm water and soap, and to rinse off all soap-suds before entering the spa pool. The requirement of this section will be posted in a prominent location within each living unit, or on a prominent sign adjacent to the spa pool. (HDR 17 §27, 1-13-86)

R14.08.280 Communicable disease. No person having skin lesions; sore or inflamed eyes; mouth, nose or ear discharges; or who is a carrier of any communicable disease shall use any spa pool subject to this chapter. (HDR 17 §28, 1-13-86)

R14.08.290 Pollution of spa pool. A. Urinating, expectorating, blowing the nose or depositing any deleterious matter in any spa pool subject to this chapter is prohibited.

B. Breakable containers shall be completely banned from the enclosure of any spa pool.

C. The use of oils, body lotions and minerals is prohibited. (HDR 17 §29, 1-13-86)

R14.08.300 Spectators prohibited next to spa pool. Persons not dressed for bathing shall not be allowed on walks immediately adjacent to spa pools. (HDR 17 §30, 1-13-86)

R14.08.310 Lifesaving and safety equipment. A. Every spa pool shall be equipped with a standard twenty-four (24) unit first aid kit, which shall be kept filled and readily accessible for emergency use, and two (2) or more blankets reserved for emergency use. In addition, there shall be prominently displayed immediately adjacent to the telephone, a telephone number list to include the nearest available doctor, ambulance service, hospital or police or fire department rescue unit.

B. The hydrotherapy pump and air blower shall be connected to a maximum fifteen (15) minute time switch located no closer than ten feet (10') from the spa water's edge.

C. Recirculation pumps and heater thermostat switches shall be inaccessible to bathers; provided, that a safety switch to the recirculation pump shall be located within ten feet (10') of the spa pool water's edge.

D. Spa pools located in private rooms shall have intercoms or similar communication systems to communicate with the establishment personnel at a central reception area.

E. The maximum water temperature shall be one hundred four degrees Fahrenheit (104°F).

F. The consumption of alcohol by persons using a spa pool is prohibited. (HDR 17 §31, 1-13-86)

R14.08.320 Personal equipment. Common towels, bathing suits, caps, combs, brushes and drinking cups are prohibited. Bathing suits, towels and bathing caps furnished patrons at any spa pool subject to this chapter shall be laundered with soap and hot water, and thoroughly rinsed and dried before reuse. (HDR 17 §32, 1-13-86)

R14.08.330 Posting of regulations. Placards reciting Sections R14.08.260 through R14.08.290 shall be posted conspicuously at the spa pool or enclosure and in the dressing rooms and offices of all spa pools subject to the provisions of this chapter. In addition, a precaution sign will be mounted adjacent to the entrance of the spa pool. It shall contain the following warnings:

CAUTION

- A. No person shall use the spa pool alone.
- B. All children under 14 years of age shall be accompanied by a responsible adult observer.
- C. No person shall run or engage in horseplay in or around the spa pool.
- D. Persons should spend no more than 15 minutes in the spa pool at any one session.
- E. Women of child-bearing age should not use the spa pool without consulting their physician.
- F. Do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers.
- G. Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not use the spa pool without consulting their physician.

(HDR 17 §33, 1-13-86)

R14.08.340 Spa pools not in operation. Spa pools not in operation shall do one of the following:

- A. Be adequately fenced and locked to prevent entrance of persons to the spa pool area and covered with a safety cover;
- B. Be adequately fenced and locked to prevent entrance

of persons to the spa pool area and the spa pool completely drained or water quality maintained with sufficient clarity at all times so that the main drain is readily visible;

C. Emptied of water and filled with an appropriate fill material. (HDR 17 §35, 1-13-86)

R14.08.350 Variances. The director may grant a variance from requirements of this chapter as follows:

A. Where it is demonstrated to the satisfaction of the director that strict compliance with this chapter would be highly burdensome or impractical due to special conditions or cause;

B. Where the public or private interest in the granting of the variance is found by the director to clearly outweigh the interest of the application of uniform rules; and

C. Where such alternative measures are provided which in the opinion of the director will provide adequate public health and safety protection. (HDR 17 §36, 1-13-86)

R14.08.360 Violation--Closure. A. If, in the opinion of the director, a spa pool is maintained or operated in a manner which creates an unhealthful, unsafe or insanitary condition, the spa pool may be closed by the director. The spa pool shall not be reopened until correction is made, and upon specific written approval of the director.

B. Unhealthful, unsafe or insanitary conditions include, but are not limited to, the failure to meet clarity, disinfection, pH, safety or bacteriological standards, the presence of pathogenic organisms, or evidence of a disease outbreak. (HDR 17 §34, 1-13-86)

Title 15

SCHOOLS

Chapters:

15.04 (Reserved)

Chapter 15.04

(Reserved)

Editor's Note

Former Chapter 15.04, entitled *Plan Review and Inspection*, was amended in its entirety, and relocated to Chapter 2.22 of this code, by Rule and Regulation No. 05-05.

Title 16WOODSTOVESChapters:

- 16.04 General Provisions
- 16.08 Definitions
- 16.12 General

Chapter 16.04GENERAL PROVISIONSSections:

- 16.04.010 Intent.
- 16.04.020 Purpose and policy declared.
- 16.04.030 Scope.
- 16.04.040 Applicability.
- 16.04.050 Administration.

16.04.010 Intent. The King County board of health finds and declares that the use of woodstoves and other solid fuel burning heating devices are responsible for a significant portion of the atmospheric pollutants in our neighborhoods during winter months. These pollutants are linked to various human diseases. While current laws regulating woodstoves have had an effect on reducing atmospheric emissions, additional regulations authorized by state law and in conjunction with existing state laws will benefit the public health by further reducing particulate emissions. In the interest of protecting the public health and safety of the people of King County, the King County board of health seeks to develop a strict, comprehensive, effective and enforceable system to control the sale and use of woodstoves within King County. (R&R 70 §1(part), 8-12-91)

16.04.020 Purpose and policy declared. A. This title is enacted as an exercise of the police power of King County to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this title to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or design

nate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any woodstove owner, operator, wholesale, retail or private seller, wood seller, fuel seller and any other person falling within its scope, and no provision of, nor term used in this title is intended to impose any duty whatsoever upon the county or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from the failure of any woodstove owner, operator, wholesale, retail or private seller, wood seller, fuel seller and any other person falling within its scope to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the county by its officers, employees or agents. (R&R 70 §1(part), 8-12-91)

16.04.030 Scope. The provisions of this title provide for the licensing and regulation of the use and sale for use in King County of woodstoves and the storage and sale and seasoning of fuel woods. (R&R 70 §1(part), 8-12-91)

16.04.040 Applicability. This title shall apply to all woodstoves, whether ownership is private or public, and regardless of whether the intended use is commercial or private. (R&R 70 §1(part), 8-12-91)

16.04.050 Administration. The director may develop rules to implement sections of this title as may be needed and to make these available for distribution. Establishment of such rules shall allow for public comment. (R&R 70 §1(part), 8-12-91)

Chapter 16.08

DEFINITIONS

Sections:

- 16.08.010 Certified woodstove.
- 16.08.020 Director.

16.08.030 Person.
 16.08.040 Remodeled.
 16.08.050 Retail seller of firewood.
 16.08.060 Rural area.
 16.08.070 Uncertified woodstove.
 16.08.080 Urban areas.
 16.08.090 Woodstove.

16.08.010 Certified woodstove. "Certified woodstove" means a woodheater defined by and certified in accordance with 40 CFR Part 60 Subpart AAA, as amended through July 30, 1991. (R&R 70 §1(part), 8-12-91)

16.08.020 Director. "Director" means the director of the Seattle-King County department of public health. (R&R 70 §1(part), 8-12-91)

16.08.030 Person. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company or any branch of state or local government. (R&R 70 §1(part), 8-12-91)

16.08.040 Remodeled. "Remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period. (R&R 70 §1(part), 8-12-91)

16.08.050 Retail seller of firewood. "Retail seller of firewood" means any individual, partnership, company, corporation or other person who sells, offers to sell, purvey or convey firewood to the final consumer of such. (R&R 70 §1(part), 8-12-91)

16.08.060 Rural area. "Rural area" means the geographical areas designated in the county comprehensive plan map as rural areas. (R&R 70 §1(part), 8-12-91)

16.08.070 Uncertified woodstove. "Uncertified woodstove" means any woodheater as defined by 40 CFR Part 60 Subpart AAA as amended through July 30, 1991 and manufactured at any time and which is not certified in accordance with that federal regulation and which has not been exempted by the director. (R&R 70 §1(part), 8-12-91)

16.08.080 Urban areas. "Urban areas" means all areas other than rural areas. (R&R 70 §1(part), 8-12-91)

16.08.090 Woodstove. "Woodstove" means a "wood heater" defined by 40 CFR Part 60 Subpart AAA as of July 30, 1991 except those devices not required to meet emission

certification requirements by 40 CFR Part 60 Subpart AAA or Washington State statutes RCW 70.94 and associated administrative rules as of July 30, 1991 which are used for space heating and which rely on the combustion of solid fuel such as wood or other material permitted under this title.
(R&R 70 §1(part), 8-12-91)

Chapter 16.12

GENERAL

Sections:

- 16.12.010 General.
- 16.12.020 Buyback.
- 16.12.030 Public education.
- 16.12.040 Woodstove operator test.
- 16.12.050 Woodstove use within urban areas.
- 16.12.060 Permits and licenses required.
- 16.12.070 Exemptions.
- 16.12.080 Waivers.

16.12.010 General. A. No woodstove will be permitted to be used as the sole source of adequate heat in any new or remodeled dwelling or structure.

B. All certified woodstoves installed in any dwelling must be approved by an independent testing laboratory that the woodstove meets all applicable portions of the Underwriters' Laboratory listing requirements for safety and if the woodstove includes a catalytic combuster, the combuster must be warranted to meet or exceed the requirements of 40 CFR Part 60 Subpart AAA as of July 30, 1991. The board finds that durability and safety of the product are directly related to emission from the woodstoves.

C. The installation or sale for use in King County by any person of any uncertified woodstove is prohibited.

D. Any person responsible for the operation of a woodstove shall ensure that the fuel is covered in a manner to stop rain or other moisture sources from wetting the fuel and which allows sufficient air flow around the fuel to allow it to season (dry). The director may establish guidelines to assist regulated parties in complying with this rule.

E. As provided by RCW 70.94.477 and associated administrative rules, fuel for all woodstoves shall be only untreated wood or lumber with a moisture content of 20% or less, newsprint for the purpose of starting a fire only and products manufactured for the sole purpose of use as fuel.

All other materials including, but not limited to, treated wood, plastics, garbage, plywood, particle board, rubber products, animal carcasses, asphaltic products, waste petroleum products, paints and chemicals are prohibited from being burned in a woodstove or fireplace.

F. No wood with a moisture content greater than twenty percent (20%) moisture may be sold by a retail seller of firewood unless a sales receipt is issued to the consumer which contains the name, address and phone number of the seller and the following notice: "UNSEASONED FIREWOOD, MOISTURE CONTENT EXCEEDS 20%; ATTEMPT TO BURN WILL RESULT IN EXCESS SMOKE AND CREOSOTE FORMATION. IT IS ILLEGAL TO BURN WOOD UNTIL DRIED TO 20% OR LESS MOISTURE CONTENT."

G. The director shall provide assistance to sellers and buyers of wood in measuring the moisture content of wood and in developing specific educational materials for their use. (R&R 70 §1(part), 8-12-91)

16.12.020 Buyback. The director is authorized to establish an uncertified woodstove removal program which may incorporate various financial incentives for energy conservation and air quality improvements, including but not limited to household insulation and insulating products, as well as uncertified woodstove replacement, and substitution of heating methods or devices including certified woodstoves. The director shall assist administratively and financially to the extent possible, programs of this type established by other state and local agencies so as to minimize administrative duplications and costs. (R&R 70 §1(part), 8-12-91)

16.12.030 Public education. The director shall assist other state and local agencies with a program of public education, emphasizing proper burning and fuel storage techniques to ensure the lowest emissions from woodstoves and to ensure the least adverse health effects on the public. (R&R 70 §1(part), 8-12-91)

16.12.040 Woodstove operator test. The director is authorized to establish a woodstove operator's test to ensure the proficiency of woodstove operators. The director may approve programs established by other parties in lieu of a department program if the director finds they will meet the intent of this section. A maximum fee of five dollars (\$5.00) is established for the administration of each departmental operator's test. (R&R 70 §1(part), 8-12-91)

16.12.050 Woodstove use within urban areas. All uncertified woodstoves must be removed or replaced at the

time of sale of the premises. Any replacement must be a certified woodstove, certified for manufacture after July 1, 1990, a pellet stove or masonry heater of a design shown to have particulate emissions not exceeding standards established by RCW 70.94 as amended through July 30, 1991; provided, this provision shall not be effective until the buyback program of Section 16.12.020 has a balance of fifty thousand dollars (\$50,000.00) available for assistance to the regulated parties. (R&R 70 §1(part), 8-12-91)

16.12.060 Permits and licenses required. A. Permit. The department shall require any person wishing to install a woodstove in any premises in the county to first obtain a permit for that purpose. Application shall be made on form provided by the director. The director shall require sufficient information from the applicant to ensure that the requirements of this title can be met. The cost of the permit shall be fifty dollars (\$50.00), except no department fee shall apply if the director delegates to any city or county department the authority to carry out a substantially equivalent inspection program which protects the public health. The director shall avoid duplication of installation inspections.

B. Firewood Sellers License. No person may be a retail seller of firewood in the county unless that person shall first obtain a license from the department of public health, except sellers of wood with sales less than ten (10) cords per year shall be exempt. The license shall be issued annually provided the licensee complies with the provisions of this title. Such license shall be nontransferable except that if a licensee changes address, a new license will be issued for the new address. The cost of the annual license shall be one hundred dollars (\$100.00) for sales of equal to or greater than twenty (20) cords of wood per year; and fifty dollars (\$50.00) for sales equal to or greater than ten but less than twenty cords/year. The fee to replace a license or to issue a new license for a new address shall be five dollars (\$5.00). Annual fees shall be assessed for the period October 1st to September 30th. (R&R 70 §1(part), 8-12-91)

16.12.070 Exemptions. A. All woodstoves exempt from the provisions of 40 CFR Part 60 Subpart AAA are also, to the extent of such exemption, exempt from the provisions of this title.

B. Antique woodstoves shall be exempt from the licensing and permitting and replacement provisions of this title; an antique woodstove for this purpose is one manufactured prior to 1940.

C. All woodstoves exempt by RCW Chapter 70.94, and regulations promulgated thereunder, to the extent of such exemption are also exempted from provisions of this title.

D. Any person claiming exemption under this section shall have the burden of proof of establishing the right to the exemption to the satisfaction of the director.

E. No exemption from burning regulations shall be valid unless registered with the director. The register of such exemptions shall be reported to the Puget Sound air pollution control authority. (R&R 70 §1(part), 8-12-91)

16.12.080 Waivers. A. The director may at his or her sole discretion, waive parts of this title upon a showing by an applicant that a waiver may be made in an individual case without adversely affecting the health and welfare of the public.

B. The request for waiver is to be filed on a form provided by the director, citing the applicable portion(s) of the regulation for which a waiver is sought, accompanied by any technical reports or exhibits the applicant wishes the director to consider. A fee of fifty dollars (\$50.00) shall accompany a request for waiver.

C. The applicant shall cause notice of the request for waiver to be provided to the owners or occupants of all premises within three hundred (300) feet of the affected premises no later than ten days following submittal of the application. Such notice shall include the right of any affected person to submit oral or written testimony to the director. No waiver shall be issued until at least thirty days have elapsed following submittal of the application. (R&R 70 §1(part), 8-12-91)

Title R18

COSMETOLOGY*

Chapters:

R18.04 Ear Piercing

Chapter R18.04

EAR PIERCING

Sections:

- R18.04.010 Definitions.
- R18.04.020 Hand-washing facilities.
- R18.04.030 Hand-washing procedures.
- R18.04.040 Sterility of instruments.

R18.04.010 Definitions. As used in this chapter:

A. "Adequate hand-washing facilities" means having hot and cold running water available within the premises and within twenty feet (20') of the place where ear-piercing procedures are performed.

B. "Sterilized" means:

1. Autoclaved at two hundred fifty degrees (250°F) under fifteen (15) pounds pressure for twenty (20) minutes; or
2. Dry heat sterilization at three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours; or
3. Boiling for at least fifteen (15) minutes; or
4. Other method of sterilization approved by the health officer. (HDR 14 §1, 11-8-76)

R18.04.020 Hand-washing facilities. Any commercial facility which is used for performing any ear-piercing procedures shall have adequate hand-washing facilities available. Every owner or operator of a commercial facility which is used for performing any ear-piercing procedures shall ensure that adequate hand-washing facilities are available. (HDR 14 §2, 11-8-76)

R18.04.030 Hand-washing procedures. Every owner or operator of a commercial facility which is used for

* **Editor's Note:** For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."

performing any ear-piercing procedures shall establish standard operating procedures whereby the hands of employees will be thoroughly washed with soap and warm water between customers. (HDR 14 §4, 11-8-76)

R18.04.040 Sterility of instruments. Any device, material or thing to be inserted in the ear shall be sterile. All instruments or parts of such instruments that come in direct contact with the device, material or thing to be inserted shall be sterilized prior to each use. (HDR 14 §3, 11-8-76)

TITLE 19
TOBACCO PRODUCTS

Chapters:

- 19.03 Regulation of Smoking in Public Places and Places of Employment**
- 19.04 Restrictions on Sale and Availability**
- 19.08 Restrictions on Tobacco Product Advertising and Promotion**

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CHAPTER 19.03
REGULATION OF SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

Sections:

19.03.010	Purpose and Policy declared.
19.03.020	Citation.
19.03.030	Findings - intent.
19.03.040	Definitions.
19.03.050	Owners, lessees to post signs prohibiting smoking.
19.03.060	Application to modify presumptively reasonable minimum distance.
19.03.070	Exceptions.
19.03.080	Enforcement - smoking in public places regulations.

19.03.010 Purpose and policy declared.

A. This chapter is enacted as an exercise of the board of health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

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

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner of each establishment within its scope, and no provision nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents. (R&R 07-03 § 4, 2007).

19.03.020 Citation. This chapter may be cited and referred to, and shall be known as, the "Smoking in Public Places Regulations." (R&R 07-03 § 5, 2007).

19.03.030 Findings - intent. The Board of Health recognizes that exposure to second-hand smoke is known to cause cancer in humans and is a known cause of other diseases including pneumonia, asthma, bronchitis, and heart disease. Citizens are often exposed to second-hand smoke, and are likely to develop chronic, potentially fatal diseases as a result of such exposure. Due to the health hazard secondhand smoke poses to those exposed, the Board of Health adopts this regulation in order to protect the health and welfare of all citizens, including workers in their places of employment. (R&R 07-03 § 6, 2007).

19.03.040 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

A. "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

B. "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.020, of twenty-five feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care or other similar social service care on the premises.

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"Public place" includes, but is not limited to, schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas and no less than seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests. "Public place" does not include a private residence. This chapter is not intended to restrict smoking in private facilities that are occasionally open to the public except upon the occasions when the facility is open to the public.

C. "Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to, entrances and exits to the places of employment, and including a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited, work areas, restrooms, conference and classrooms, break rooms and cafeterias and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment." (R&R 07-03 § 7, 2007).

19.03.050 Owners, lessees to post signs prohibiting smoking. Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall prohibit smoking in public places and places of employment and shall post signs prohibiting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. (R&R 07-03 § 8, 2007).

19.03.060 Application to modify presumptively reasonable minimum distance. Owners, operators, managers, employers or other persons who own or control a public place or place of employment may seek to rebut the presumption that twenty-five feet is a reasonable minimum distance by making application to the director of the Seattle-King County Department of Public Health. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the unique circumstances presented by the location of entrances, exits, windows that open, ventilation intakes or other factors, smoke will not infiltrate or reach the entrances, exits, open windows or ventilation intakes or enter into the public place or place of employment and, therefore, the public health and safety will be adequately protected by a lesser distance. (R&R 07-03 § 9, 2007).

19.03.070 Exceptions. This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such a workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance or regulation. (R&R 07-03 § 10, 2007).

19.03.080 Enforcement - smoking in public places regulations.

A. The director of the Seattle-King County Department of Public Health or the director's authorized representative is authorized to enforce the restrictions and requirements of this chapter in accordance with the provisions of BOHC chapter 1.08, consistent with subsection B. of this section.

B. When violations of this chapter occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil penalty of up to one hundred dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. (R&R 07-03 § 11, 2007).

CHAPTER 19.04
RESTRICTIONS ON SALE AND AVAILABILITY

Sections:

19.04.115* Giving away tobacco products prohibited.

19.04.115* Giving away tobacco products prohibited. Giving away tobacco and tobacco products is prohibited. No retailer shall give away tobacco or tobacco products to any person. No person shall give away or offer to give away tobacco products to any person. (R&R 68 §2, 6-25-91; R&R 64 §2, 12-18-90).

*Reviser's note: R&R 07-03, Section 2: "The operation and effect of Code of King County Board of Health BOHC 19.04.115 is suspended as applied to cigarettes, pending further review by King County Board of Health."

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CHAPTER 19.08*
RESTRICTIONS ON TOBACCO PRODUCT ADVERTISING AND PROMOTION

Sections:

- 19.08.005 Suspension.
- 19.08.010 Intent.
- 19.08.020 Definitions.
- 19.08.030 Restrictions on tobacco advertising in publicly visible locations.
- 19.08.040 Monitoring and enforcement.
- 19.08.050 Effective date.
- 19.08.060 Severability.

*Reviser's note: BOHC chapter 19.08 has been suspended. See BOHC 19.08.005.

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19.08.005* Suspension. Due to the decision of the Ninth Circuit Court of Appeals in Lindsey v. Tacoma Pierce County Health Department, No. 98-35416, the operation and effect of Chapter 19.08 is suspended pending further review by the King County Board of Health. (R&R No. 00-08 §1, 7-21-00).

19.08.010* Intent. The board of health makes the following findings: Tobacco use by minors is a major and worsening public health problem. Each day, three thousand (3,000) children in the United States begin smoking, creating over a million new underage, addicted smokers each year. Tobacco industry sales to minors each year exceed one billion dollars (\$1,000,000,000.00), as more than three (3) million American children under eighteen (18) years of age consume nine hundred forty-seven (947) million packs of cigarettes annually. The federal Centers for Disease Control and Prevention have reported that the rate of smoking among all high school students during the years 1991 through 1997 increased by over thirty-two percent (32%) and now stands at its highest rate since 1981. The CDC also reported that in 1997, forty-three percent (43%) of high school students used cigarettes, smokeless tobacco or cigars. In Washington State, students at every grade level were more likely to have tried cigarettes in 1995 compared to 1992. The greatest change was in the youngest students surveyed (6th graders), who reported having tried cigarettes at almost double the rate in 1995 compared to 1992. In 1995, twenty percent (20%) of Seattle 8th graders smoked cigarettes every day contrasted with thirteen percent (13%) in 1993; twenty-eight percent (28%) of 12th graders smoked daily in 1995 contrasted with eighteen percent (18%) in 1993. The rates of increase were comparable for Seattle students in grades 9, 10 and 11.

According to the CDC, children are beginning to use tobacco at increasingly younger ages. The average age at which boys and girls initiate smoking has declined over the past four (4) decades by 2.4 years overall for whites, 1.3 years overall for African Americans, and 5.4 and 4.6 years for white girls and African American girls, respectively. A 1996 survey of teen smokers in King County showed that the average age of onset is 12.8 years.

One (1) out of every three (3) young people who become regular smokers will die prematurely as a result of their smoking. If the number of children and adolescents who begin tobacco use can be diminished, tobacco-related illness can be correspondingly reduced. This is because data suggest that anyone who does not begin smoking in childhood or adolescence is unlikely to begin.

While it is illegal under state law, minors are still gaining access to tobacco products. When buying cigarettes through retail establishments is made difficult, youth obtain them through friends, parents and older family members.

Tobacco has been found to be a gateway to other drugs. Tobacco products are generally the first drug used by young people in a sequence that can include alcohol, marijuana, and lead to cocaine, heroin and hallucinogens.

The Surgeon General has designated nicotine a highly addictive substance, comparable to other addictive substances of abuse. Early addiction is the chief mechanism for renewing the pool of smokers. Most people who are going to smoke are hooked by the time they are twenty (20) years old. The younger one begins to smoke, the more likely one is to be a current smoker as an adult. One-fifth (1/5) of King County adults are current smokers, eighty-two percent (82%) of whom first tried smoking before their eighteenth birthday.

Tobacco use is the single most preventable cause of death in King County and the United States. More than four hundred thousand (400,000) Americans die of tobacco-related illness each year. Almost one (1) in five (5) of all deaths in King County residents is due to tobacco use. Smokers have higher levels of death rates for over twenty (20) major illnesses and injuries, including cancer, noncancer lung diseases such as chronic obstructive pulmonary disease, and heart disease and stroke.

*Reviser's note: BOH chapter 19.08 has been suspended. See BOHC 19.08.005.

A significant body of literature has established that advertising influences minors to use tobacco products. Courts have taken judicial notice of the positive connection between advertising and consumption. Cigarettes are the second most heavily advertised product in the country after automobiles. Adolescents with high exposure to cigarette advertising are significantly more likely to be smokers, according to several measures of smoking behavior, than those with low exposure to cigarette advertising. Research suggests that tobacco marketing is a stronger current influence in encouraging adolescents to initiate smoking than exposure to peer or family smokers.

Studies have shown a positive correlation between youths' intention to smoke and their adeptness at identifying cigarette advertisements and appreciation of cigarette advertisements. In addition to the evidence linking smoking onset with advertising, a California study which was reported in 1998 provides longitudinal evidence that tobacco promotional activities are causally related to the onset of smoking.

The tobacco industry targets young people as a strategically important market. Lifetime brand loyalty is usually established with the first cigarette. Old Joe Camel cartoon advertisements are far more successful at marketing Camel cigarettes to children than to adults. Camel cigarettes' share of the under-eighteen (18) market has increased dramatically since the Joe Camel cartoon was introduced in 1988. Children between the ages of two (2) and eleven (11) are most vulnerable to this use of imagery and begin to make judgments about products they might use in the future. By age six (6), children recognize Old Joe Camel as well as they do Mickey Mouse, notwithstanding the fact that cigarette advertising no longer appears on television and very young children cannot read.

The Liggett Company has publicly stated not only that cigarettes are addictive and harmful but also that "the tobacco industry markets to `youth,' which means those under eighteen (18) years of age, and not just those eighteen (18) to twenty-four (24) years of age." Additional evidence of a long-standing industry practice of targeting children, is evidenced in a 1973 R. J. Reynolds Tobacco Company Planning Memorandum:

For the pre-smoker and "learner" the physical effects of smoking are largely unknown, unneeded, or actually quite unpleasant or awkward. The expected derived psychological effects are largely responsible for influencing the pre-smoker to try smoking, and provide sufficient motivation during the "learning period" to keep the "learner" going, despite the physical unpleasantness and awkwardness of the period. Happily, then, it would be possible to aim a cigarette promotion at the beginning smoker, at the same time making it attractive to the confirmed smoker.

Tobacco industry records released as a result of lawsuits brought by state attorneys general provide substantial documentation of strategies for marketing to children and youth.

Data suggest an association between the brands identified as most highly advertised and market share for the same brands. The three (3) most commonly purchased brands among adolescent smokers were the three (3) most heavily advertised brands in 1993. Not only is the market share of brands similar to recall of the most advertised brands, but the brand that appears to be aimed the most at adolescents has demonstrated a differential increase in market share in the youngest adolescents over time.

Cigarette advertising works, not by providing information in a way that persuades the viewer through cognitive processing or rational reflection, but rather by using associative persuasion cues and influences such as attractive models, settings, activity, color and scenery. In information-based attempts at persuasion, the intent and message of the communication are explicit and overt and require consumer engagement. In the associative persuasion communications used in cigarette advertisements, the intent and message are implicit and covert and require low levels of cognitive and psychological engagement, i.e., "low involvement," from the consumers they seek to reach. They can be taken in at a glance, simply by viewing the imagery. These are the types of advertisements that appeal to children.

Children are susceptible to the associative persuasion cues of color and imagery. They have limited ability and motivation to process information and the persuasive assertions of information-based advertisements. They respond to advertisements, not through logical analysis, but through emotions that the advertisements that persuade through association can elicit. In markets such as the tobacco market, where most brands in a product category are similar and most advertising provides little new information, color and imagery have added significance.

Color significantly enhances the effectiveness of advertising. It makes advertisements more vivid. It commands more attention and increases recall. Color in advertising becomes more salient in "low involvement" consumer situations. The eye is attracted to the color and spends longer in exposure to an advertisement. Color provides emphasis and connotes feelings or a tonality in the advertisement.

Consumers associate products with color. Through exposure and repetition, specific colors can become "owned" by a brand so that persons viewing that particular hue and density of color in an advertisement will be reminded of and reinforced as to that brand. Young people respond to color in advertising, and owning brand colors is particularly important for companies pursuing a youth market. Owning a color is also important when the product manufacturer is sponsoring a sporting event.

Imagery, such as photographs, drawings, or cartoons, enhances the effectiveness of advertising, particularly on children. The art, as opposed to words and data, works by attracting attention and conveying attitudes and lifestyle associations. Pictures are better remembered than verbal information because the pictures organize the qualities of the product as depicted by an image. Pictorial information enhances an advertisement's ability to be taken in at a glance — to communicate more quickly in low involvement situations and in quick exposure contexts. It also enhances the subsequent recall of brand names.

Cigarette advertisements, as a class, contain little text or information because they work by association, not information, using imagery to influence those who view them. In contrast to verbal assertions, the visual experience of imagery tends to bypass logical analysis. Imagery in advertising is perceived without the same level of cognitive processing and counter-argumentation that verbal assertions trigger. Such advertisements are "experienced" rather than thought about. Images commonly used in cigarette ads are pictures of healthfulness, images of independence, adventuresomeness and risk taking, sophistication, glamour, sexual attractiveness, thinness, social approval, popularity, rebelliousness and being "cool." Studies have found a correlation between the ideal image of students and their image of smokers. Cigarette promotions often associate brands with popular music, sports events and their stars.

Image-based advertising is particularly effective with young people. Young people are three times more responsive to cigarette advertising than adults. "Starter brands" like Marlboro, Camel and Kool use images that appeal to dominant adolescent psychological needs for autonomy and self-reliance, breaking free of parental and other authority. Images used in advertising for these brands show independence, rebellion and being "cool."

Adolescents are highly alert to cues and clues about lifestyle options. Because adolescence is a time of identity formation, youth are especially attentive to symbols of adulthood and acceptance. The adult world depicted in cigarette advertising is a world to which the adolescent aspires. Children and youth want to emulate the adult models in the ads. Smoking can seem to be an important step toward maturity. Young people also want to be like each other; they want group acceptance. Their need to belong leads them to look to their peers and advertising for cues.

Tobacco advertising projects pictures of health and images of independence and uses other consistent themes, e.g., that tobacco use is a rite of passage, that appeal to teens' needs. Cigarette advertisements skillfully capitalize on the disparity between an ideal and an actual self-image and imply that smoking may close the gap. The images typically associated with advertising and promotion convey the message that tobacco use is a desirable, socially approved, safe and healthful, and widely practiced behavior among young adults, whom children and youths want to emulate. As a result, tobacco advertising and promotion undoubtedly contribute to the multiple and convergent psychosocial influences that lead children and youths to begin using these products and become addicted to them.

Evidence from social psychology and marketing research shows image-based advertising such as that employed by the tobacco industry is particularly effective with young people and that the information conveyed by imagery is likely to be more significant to young people than information conveyed by other means in the advertisement.

Repeated advertising exposures in diverse multiple media provide the product and brand with an associated brand imagery that strengthens with repetition and time. The type of persuasion that tobacco companies use to influence consumers through affective devices, rather than information, requires repetition to work. The image, lifestyle and associative advertising used by tobacco companies does not work by causing the consumer to suddenly convert his intentions as a result of a single exposure to a highly persuasive advertisement. Rather, these advertisements work through repeated exposures over time.

It is the longevity and thoroughness of cigarette advertising campaigns that make them effective. Tobacco advertising creates an environment in which repetition, year after year, leads a generation of children to perceive cigarettes differently than they would have had they not been induced through repeated exhortations. Every advertising presentation contributes to and builds upon the imagery and appeal created for a product. Advertising that is repeated frequently in as many different media as possible is most likely to ensure that its message is received by the maximum number of consumers.

Outdoor advertising media viewed in publicly visible locations are intrusive and vivid, making them ideal for the image-based advertising which is most effective in reaching youth. Exposure to outdoor advertising is unavoidable and not a matter of choice. Outdoor tobacco ads are not designed only for people who are buying tobacco, but are reaching out into the street to be seen by everyone. People, including children, must use transportation arteries to commute to school or work and are inevitably exposed. Malls, sports arenas, stadiums and other places of public exposition are adapted from settings which were originally out-of-doors and which retain their character as outdoor, public places. Exposure by young people to tobacco advertisements in these locations is as involuntary and intrusive as exposure to such advertisements on the streets.

Outdoor advertising is a low involvement medium, which makes it ideal for image-based advertising campaigns used by tobacco companies. The vivid imagery of outdoor advertisements is designed to be taken in at a glance. It does not require the reading of text beyond recognition of a brand name, logo, slogan, package design or other brand signifier such as color. Young people have been shown to be unresponsive to text-only advertising.

The conspicuous and persistent presence of publicly visible advertising for tobacco products, particularly in and around neighborhoods and schools, at convenience stores frequently visited, on the tops of cabs seen in the community, inside malls and sports stadiums, gives children the impression that tobacco use is desirable, socially acceptable and prevalent. The pervasiveness of publicly visible tobacco advertising and the multiple exposures to it create a "friendly familiarity" that makes cigarettes culturally commonplace to children. (Friendly familiarity refers to the effect of massive marketing that uses a variety of media in stationary and mobile locations and saturates potential consumers with information and imagery.) Children and youth are given the impression that smoking is normative and more prevalent than it is. Highly repetitious advertisement exposure is likely to lead to judgmental biases in children, both in terms of their perception of the risk of tobacco use, and in their social perceptions of the actual prevalence of smoking and the social acceptance of smoking and of smokers. The harm that occurs to young people comes from overestimating the prevalence of smoking among adults and among their peers, from underestimating the addictiveness of nicotine and the number and seriousness of health risks, and from overestimating the amount of social approval they will receive as smokers. Overestimating smoking prevalence has been found to be one of the strongest predictors of smoking initiation. The kind of advertising that is "almost everywhere" makes cigarettes respectable and is reassuring. The ubiquitous display of messages promoting tobacco use clearly fosters an environment in which experimentation by youth is expected, if not implicitly encouraged. Even brief exposure to tobacco advertising can cause some young people to have more favorable beliefs about smokers.

Outdoor advertising, because of its permanence, has a low cost per exposure compared to newspapers or magazines. Stationary outdoor advertising produces high levels of repetition of exposure to individuals regularly traveling specific routes, such as school children and commuters. Mobile media, though not filed, becomes part of an environment of pervasive, multimedia outdoor advertising that communicates to children that smoking is normative.

Outdoor advertising accounts for a significant portion of cigarette advertising spending. According to an FTC report, the cigarette industry's 1996 spending for outdoor media was over two hundred ninety-two million dollars (\$292,000,000.00) — over thirty-five percent (35%) of cigarette spending in measured media, i.e., magazines, newspapers, transit and point of sale ads. Additionally, up to twenty-five percent (25%) of retail point of sale advertising is publicly visible from outside the store.

Tobacco companies are linking the brand imagery created by tobacco product advertising to advertising for tobacco-company-sponsored events. According to a CEO for Philip Morris:

[W]e've managed to take what was originally tunnel vision advertising and positioning...into every kind of avenue.... For example, our auto racing activities are just another way to express the Marlboro positioning. Some would say the Marlboro Cup is different from Marlboro Country, but it is absolutely consistent.

In Canada, where cigarette advertising has been severely restricted, instead of advertising cigarettes, a tobacco company will advertise a team or sporting event it is sponsoring in the cigarette brand name. Since the brand name is used exclusively on cigarettes, it has no other association than cigarette advertising. Studies show that brand name sports sponsorship produces for young people memorable associations between the event and the heroes of the event and the tobacco product and brand name.

Tobacco advertising has been shown to work. Smoking behaviors of adolescents are demonstrably related to previous and current cigarette advertising. The tobacco advertising campaigns targeting women launched in 1967 were associated with a major increase in adolescent girls starting to smoke. For example, the percentage increase in the initiation rate for twelve (12) year old girls, from 1967 to the peak rate in 1973, was one hundred ten percent (110%).

State statute, RCW Section 26.28.080, makes the sale and distribution of tobacco products to minors unlawful and RCW Section 70.155.080 prohibits their purchase or acquisition by minors. RCW Section 70.155.080 was amended by the 1998 Washington State Legislature to make possession of tobacco products by minors illegal. Tobacco advertising is designed to induce minors to engage in an activity which is illegal. The purpose of advertisement regulations is to ensure that restrictions on access are not undermined by the product appeal that advertising creates for young people.

Billboards are an advertising medium that carries the message twenty-four (24) hours a day, seven (7) days a week to everyone who is exposed to it. Billboard advertising's use of imagery allows advertisers to communicate quickly and efficiently. The pictorial information displayed on billboards is remembered much better than verbal information. Billboard advertising achieves high exposure frequency, but the amount of clutter is very low. The cost of outdoor advertisements is usually low compared to other media, yet the retention has shown to be comparable to other media.

Billboards are an effective medium for bringing tobacco advertising to children. In a study of one thousand one hundred seventeen (1,117) children ages ten (10) to seventeen (17), eighty-six percent (86%) recognized Joe Camel using aided and unaided recall. When asked where they had seen Joe Camel, fifty-one percent (51%) said on billboards.

Billboards are a unique and distinguishable medium because they subject children to involuntary and unavoidable forms of solicitation.

The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce. In the case of newspapers and magazines, there must be some seeking by the one who is to see and read the advertisement. The radio can be turned off, but not so the billboard. *Packer Corporation v. Utah*, 285 U.S. 105, 110 (1932).

Because they are more permanent than magazine advertising, and are seen over and over again by youths, billboard advertisements expose children repeatedly to pro-tobacco messages while giving the erroneous impression that smoking is pervasive and normative.

The public health risk to a child from exposure to tobacco product advertising increases when the child is attending school and engaging in recreational activities on playgrounds and is regularly exposed to billboard messages for lengthy periods of time. Billboards near schools or playgrounds expose children to unavoidable advertising messages for a more prolonged period of time than billboards they pass on the highway. To reduce the risk, it is necessary to protect children from the inescapable, involuntary intrusion of billboard tobacco advertising while they are in school and on public playgrounds.

Through repetition and use of multiple media, publicly visible tobacco advertising strengthens the associated brand imagery. Every presentation of tobacco advertising adds to and builds upon the imagery and appeal created for a product. Repeated advertising exposures provide the product and brand with an associated brand imagery that strengthens with repetition and time. Because of both size and design, advertisements in outdoor media can be readily apprehended at even a substantial distance.

The mission of the King County board of health is to improve the life and health of the people of King County. A regulation restricting advertisements for tobacco products in publicly visible locations is a reasonable and necessary measure for reducing the risk of tobacco use and addiction for children as well as reducing the illegal acquisition of tobacco products by minors.

In order to protect legitimate business activities, the portion of this regulation restricting the location of billboards and other forms of publicly visible tobacco advertising narrowly focuses on those publicly visible advertisements which most directly affect minors because they are located where children attend and travel to school and where they engage in and travel to recreational activities. The portion of this regulation requiring a black text on white background or "tombstone" format does not prevent the communication of information about tobacco products to adults who may purchase them legally. The black and white, text-only advertising replaces the colorful, imaged-based advertising that appeals to youth, reducing the ability of the advertising to connote desirable images that youth find attractive, such as glamour, independence, sex appeal and maturity. This protects children from the appeal of color and imagery in tobacco advertisements to which they are involuntarily exposed. Empirical evidence shows a lack of appeal to adolescents of tobacco advertising with text only in a tombstone format. Advertisements on motor vehicles, including taxicabs, are subject to the "tombstone" format requirement but are excepted from the one thousand (1,000) foot setback in order to avoid unduly restricting their movement within the county. The restrictions imposed are drawn as narrowly as possible, consistent with the regulation's purpose of reducing young people's attraction to and use of tobacco. (R&R No. 98-03 §1, 9-18-98: R&R 97-04 §1, 7-18-97: R&R 97-03 §1, 5-30-97).

19.08.020* Definitions. "Billboard" means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.

"Playground" means a designated outdoor play or recreational area with equipment for children such as swings, seesaws, jungle gyms, sandboxes, baseball diamonds, basketball courts or soccer fields.

"Publicly visible location" means:

- A. Any outdoor location visible from public streets and walkways including, but not limited to:
1. Exteriors of structures and buildings, including the interior surfaces of exterior doors and windows where a tobacco advertisement mounted on such interior surface is visible from the outside;
 2. Billboards, free-standing signs, and sandwich/A frame and balance signs;
 3. Exterior fixtures and equipment including but not limited to public transit shelters, kiosks, fences, light standards, gasoline pumps, newspaper vending boxes, shopping cart racks, trash containers, and shopping carts used outside of the store;

*Reviser's note: BOHC chapter 19.08 has been suspended. See BOHC 19.08.005.

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4. Bodies, roofs, windows and fixtures of and any device towed by or connected to, passenger cars, motor-driven cycles, public transit vehicles, and for hire vehicles;

a. "Passenger car" means every motor vehicle except motor-driven cycles designed for carrying one passenger or more and used for the transportation of persons.

b. "Public transit vehicle" means and includes every motor vehicle, bus, van, street car, train, trolley vehicle, and any other device, which (i) is capable of being moved within, upon, above, or below a public highway or right-of-way, (ii) is owned, or operated by or for a city, county, county transportation authority, public transportation benefit area, regional transit authority or metropolitan municipal corporation within the state, and (iii) is used for the purpose of carrying passengers together with incidental baggage and freight, whether on a scheduled or demand responsive basis.

c. "For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages as defined in RCW Section 46.04.050, but including taxicabs, limousines and shuttle vehicles.

5. Mobile billboards and mobile signs; and

6. Blimps, hot air or moored balloons, or banner messages pulled by aircraft.

B. Exterior and interior walls and surfaces of sports stadiums, arenas, amphitheatres and other enclosed or partially enclosed spaces used for public expositions or events;

C. Common areas of shopping malls and exterior windows and exterior wall surfaces of establishments located within shopping malls where the tobacco advertisement is visible from common areas of the shopping mall.

"Tobacco advertisement" means any words, pictures, posters, placards, signs, photographs, logos, symbols, devices, graphic displays or visual images of any kind, recognizable color or pattern of colors, or any combination thereof, promoting the use or sale of a tobacco product, including advertisements for any athletic, musical, artistic, or other social or cultural event which use a tobacco product brand name (alone or in conjunction with other words) or any other indicia commonly identified with the tobacco product.

"Tobacco product" means any product containing tobacco, the prepared leaves of plants of the Nicotiana family, including but not limited to cigarettes, loose tobacco, cigars, snuff, chewing tobacco or any other preparation of tobacco. (R&R No. 98-03 §2, 9-18-98: R&R 97-04 §2, 7-18-97: R&R 97-03 §2, 5-30-97).

19.08.030* Restrictions on tobacco advertising in publicly visible locations.

A. No person shall, for commercial advantage, place, cause to be placed, maintain or cause to be maintained, a tobacco advertisement at a publicly visible location unless such tobacco advertisement consists solely of black text on a white background without adornment and unaccompanied by color, artwork, pictures, graphics or logos.

B. No person shall for commercial advantage, place, cause to be placed, maintain or cause to be maintained, a tobacco advertisement at any outdoor location visible to the public which is within one thousand (1,000) feet of the perimeter of a public or private elementary school, middle or junior high school, or secondary school, or public playground or public park containing a playground, except that this subsection shall not apply to advertisements on motor vehicles in transit on roadways within the one thousand (1,000) foot perimeter.

C. No billboard advertising tobacco products may be placed within two thousand (2,000) feet of the perimeter of any public or private elementary school, middle or junior high school, or secondary school or public playground or public park containing a playground. (R&R No. 98-03 §3, 9-18-98: R&R 97-04 §3, 7-18-97: R&R 97-03 §3, 5-30-97).

19.08.040* Monitoring and enforcement. Enforcement of this chapter shall be by the Director of Health in accordance with Chapter 1.08 of this Code. (R&R 97-04 §4, 7-18-97: R&R 97-03 §4, 5-30-97).

19.08.050* Effective date. The effective date for this regulation shall be January 1, 1998. (R&R 97-04 §5, 7-18-97: R&R 97-03 §5, 5-30-97).

19.08.060* Severability. If any provision of this regulation or its application to any person or circumstances is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances shall not be affected. (R&R No. 98-03 §4, 9-18-98).

*Reviser's note: BOHC chapter 19.08 has been suspended. See BOHC 19.08.005.

Title R20

NOISE*

Chapters:

R20.04 Forest Harvesting and Silviculture

Chapter R20.04

FOREST HARVESTING AND SILVICULTURE**

Sections:

R20.04.010 Ordinance exemption extended.

R20.04.010 Ordinance exemption extended. At the discretion of the administrator, the exemption cited in Section 602(a)(5) of King County Ordinance 3139 and Seattle Ordinance 106360 regarding sounds originating from forest harvesting and silviculture activities shall be extended to correspond with the operating hours designated by the Washington Department of Natural Resources, whenever an official fire closure is in effect. The administrator shall have the authority to set hours of operation that differ but do not conflict with those set by the Department of Natural Resources. (HDR 16 §1, 11-15-79)

* **Editor's Notes:** For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."

** This chapter, adopted pursuant to King County Ordinance No. 3139, Section 602 and King County Code Section 12.94.020, shall be inapplicable within the incorporated cities and towns of the county.

Title R22BUILDINGS AND CONSTRUCTION*Chapters:R22.04 Mobile Home ParksChapter R22.04MOBILE HOME PARKS**Sections:

- R22.04.010 Definitions.
- R22.04.020 Sewage disposal.
- R22.04.030 Water supply.
- R22.04.040 Refuse disposal.
- R22.04.050 Rodent control and general sanitation.
- R22.04.060 Dependent mobile homes--Service buildings.
- R22.04.070 Unfit mobile homes.
- R22.04.080 Inspections and enforcement.

R22.04.010 Definitions. As used in this chapter:

A. "Dependent mobile home" means any mobile home which lacks one (1) or more of the sanitary facilities required for an independent mobile home.

B. "Director" means the director of the Seattle-King County department of public health or his/her authorized representative.

C. "Independent mobile home" means any mobile home which has a toilet and either a shower or a bathtub.

D. "Mobile home" means any mobile home as defined in Section 1(3) of King County Ordinance 5317 and Section 21.04.435 of the King County Code.

E. "Mobile home park" means any mobile home park as defined in Section 1(4) of King County Ordinance 5317 and Section 21.04.440 of the King County Code. (HDR 21 §1, 11-3-82)

* **Editors' Notes:** For board rules and regulations relevant to the administrative rules set out herein, look for a preceding title of the same number not prefixed by "R."

** This chapter, adopted pursuant to King County Ordinance No. 5316 and King County Code Section 18.16.060, is inapplicable within incorporated cities and towns of the county.

R22.04.020 Sewage disposal. A. All sewage and wastewater from a mobile home park shall be drained to a sewerage disposal system which is approved by the health officer. Sewage disposal systems shall be designed, constructed and maintained in accordance with WAC Chapters 248-96 and 173-240, and Title 13 of this code.

B. Sewer laterals shall be provided at each lot, be trapped, terminate above grade on the same side of the lot at the water connection, be at least four inches (4") in diameter and be equipped with approved leakproof and fly-proof devices for coupling to mobile home drainage systems. Such lateral sewer connection shall be protected at its terminal with a concrete collar at least three inches (3") thick and extending eight inches (8") from the connection in all directions. When not in use, the connection shall be capped with a gastight plug or similar device. Main sewer lines shall be vented at each terminus. (HDR 21 §2, 11-3-82)

R22.04.030 Water supply. A. The water supply system for a mobile home park shall be designed, constructed, maintained and operated in accordance with WAC Chapter 248-54 and shall supply safe and potable water to all plumbing fixtures in mobile home parks and to individual water connections provided at each mobile home lot.

B. Water connections for individual mobile homes shall be provided and located on the same side of the lot as the sewer lateral and shall consist of a riser terminating at least four inches (4") above the ground surface with two (2) three-fourths inch (3/4") valved outlets threaded for screw-on connections. Such water connection shall be equipped with a shutoff valve placed below frost depth (but in no case shall this valve be a stop and waste cock), shall be protected from freezing and from damage from mobile home wheels, and shall have the ground surface around the riser pipe graded to divert surface drainage away from the connection.

C. Water piping material shall meet the standards required by the King County Plumbing Code. (HDR 21 §3, 11-3-82)

R22.04.040 Refuse disposal. All garbage, refuse and/or trash in a mobile home park shall be collected, stored and disposed of in accordance with RCW Chapter 70.95, WAC Chapter 173-301 and Title 10 of this code. (HDR 21 §4, 11-3-82)

R22.04.050 Rodent control and general sanitation. The premises of a mobile home park shall be maintained and operated in accordance with WAC Chapter 248-50 and King County Code Chapter 8.38. (HDR 21 §5, 11-3-82)

R22.04.060 Dependent mobile homes--Service buildings.
 In addition to the requirements of Section R22.04.020, mobile home parks intended for use by one (1) or more dependent mobile homes shall provide one (1) or more service buildings which must meet the following standards:

A. Sanitary facilities in the following minimum ratios:

MALES

No. of Dependent Lots	Water Closets	Urinals	Lavatories	Showers
1--20	1	1	2	1
21--30	2	1	3	2
31--40	3	1	4	2
41--50	4	1	5	4
51--60	5	1	6	4
61--70	6	1	7	5
Over 70	Add one (1) additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof. Urinals may be substituted for up to one-third (1/3) of the additional water closets required.			
Add one additional shower for each additional twenty (20) lots or fraction thereof.				

FEMALES

No. of Dependent Lots	Water Closets	Lavatories	Showers
1--20	2	1	2
21--30	3	2	3
31--40	4	2	4
41--50	5	4	5
51--60	6	4	6
61--70	7	5	7
Over 70	Add one (1) additional water closet and lavatory for each additional ten (10) mobile home lots or fraction thereof.		
Add one additional shower for each additional twenty (20) lots or fraction thereof.			

B. Service buildings shall be well lighted, adequately ventilated and heated and maintained in a clean and sanitary manner. All floors in toilet, shower and lavatory rooms, which are in regular use, shall be cleaned and disinfected daily or more often if needed to maintain a sanitary condition.

C. If laundry facilities are provided, they shall be in a room separate from the toilet facilities and such room

shall have an exterior door.

D. Hot water in adequate quantities shall be supplied to showers, lavatories and clothes washers.

E. Service buildings shall be constructed and maintained pursuant to applicable building, electrical and plumbing codes. (HDR 21 §6, 11-3-82)

R22.04.070 Unfit mobile homes. A. If any mobile home which is found by the director to be so damaged, decayed, dilapidated, insanitary or vermin-infested that it creates a hazard to the health or safety of the occupants and the public, the director shall designate it as unfit for human habitation and shall order its removal.

B. An owner or operator of a mobile home park must cooperate fully in not permitting a mobile home to remain in the park when the mobile home has been designated by the director as unfit for human habitation and has ordered it removed. (HDR 21 §7, 11-3-82)

R22.04.080 Inspections and enforcement. The director shall inspect each mobile home on a semiannual basis to verify compliance with the provisions of this chapter. A fee for such inspection shall be paid by the mobile home park operator pursuant to Section 7 of King County Ordinance 5316 and Section 18.16.090 of the King County Code. The director shall have the authority to enforce the provisions of this chapter pursuant to Title 23 of the King County Code and Chapter 1.08 of this code. (HDR 21 §8, 11-3-82)

LIST OF CODIFIED ADMINISTRATIVE RULES

<u>HDR. No.</u>	<u>Date</u>	<u>Subject</u>
13	11-5-76	Corrosion-prevention chemicals (R12.04)
14	11-8-76	Ear-piercing establishment sanitation (R18.04)
15	11-3-82	Bake sales (R5.04)
16	11-15-79	Silviculture noise-control exemption (R20.04)
17	1-13-86	Spa pools (R14.08)
18	1-13-86	Swimming pools (R14.04)
19	11-3-82	Polybutylene pipe and tubing (R12.08)
20	11-3-82	Meat cut descriptions (R6.04)
21	11-3-82	Mobile home parks (R22.04)
22	8-15-83	Temporary food-service establishments (R5.12)
23	1-16-86	Produce stands and vehicles; repeals HDR 23 (8-3-83) (R5.08)
24	6-20-91	Food demonstrating and food promotions (R5.65)
25	6-20-91	Toilets in food-service establishments (R5.36)
26	6-20-91	Temporary food-service establishments operating requirements (R5.12)
27	6-20-91	Exempts certain food-service establishments (R5.02)
28	6-20-91	Modified atmosphere packaging (R5.11)
29	6-26-91	Modified atmosphere packaging of meat (R6.26)

LIST OF CODIFIED BOARD RULES AND REGULATIONS

Rule & Reg. No.	Date	Subject
1	3-19-74	Board of health (2.04)
1 amdt.	12-20-93	Repeals §§2.04.010 – 2.04.110 (Repealer)
2	12-19-80	Food service establishments; repeals former R&R 2 (Repealed by 91)
2 amdt.	12-18-81	Amends Part 91 §1 of R&R 2, food service establishments (Repealed by 91)
2 amdt.	12-8-82	Amends Part 91 §2(a) of R&R 2, food service establishments (Repealed by 91)
2 amdt.	3-30-84	Amends R&R 2 Part 3 §6 and Part 91 §§1 and 2(a), food service establishments (Repealed by 91)
2 amdt.	6-7-85	Amends Part 54 §1 of R&R 2, food service establishments (Repealed by 91)
2 amdt.	7-29-86	Amends R&R 2 Part 3 §2, Part 3 §§3, 5 and 6, and Part 91 §§1 and 2; repeals and replaces Part 81, food service establishments (Repealed by 91)
2 amdt.	12-19-86	Amends §2 of Part 21 of R&R 2, food and beverage worker permit fees (Repealed by 91)
2 amdt.	12-3-87	Adds Part 83 and amends Part 3 §§2 and 4 and Part 21 §2 of R&R 2, food service establishments (Repealed by 91)
2 amdt.	3-1-88	Amends Part 91 §2, food service establishments (Repealed by 91)
3	12-19-86	On-site sewage disposal; repeals R&R 3 of 5-22-84 and 12-6-85 (13.04, 13.08, 13.12, 13.16, 13.20, 13.24, 13.28, 13.32, 13.36, 13.40, 13.44, 13.48, 13.52, 13.56, 13.60, 13.64, 13.68)
6	1-31-77	Meat (Repealed by 98-02)
6 amdt.	12-1-81	Amends §§7, 11 and 28 of R&R 6, meat (Repealed by 98-02)
6 amdt.	12-8-82	Amends §6 of R&R 6, meat (Repealed by 98-02)
7	12-1-81	Uniform enforcement code (1.08)
7 amdt.	6-9-82	Amends §106 of R&R 7, civil penalty (1.08)
8	12-19-86	Solid waste; repeals R&R 8 (9-11-84) (Repealed by 03-06)
9	12-8-82	Public water systems (Repealed by 44)
17	6-5-81	Swimming pool and spa code (Repealed by 58)
17 amdt.	6-9-82	Amends §§13 and 14 of R&R 17, swimming pools and spas (Repealed by 58)
17 amdt.	12-8-82	Amends §14 of R&R 17, swimming pools and spas (Repealed by 58)
18	6-5-81	Premarital blood test fee [Renumbered by 99-02] (3.04)
19	6-5-81	Authorizes accepting donations for certain services (3.12)
20	12-1-81	School plan review and inspection fees (15.04)
28	6-9-82	Premarital blood tests, computer run fees [Renumbered by 99-02] (3.04)
30	6-4-82	Rabies; repeals Res. 27312 (8.04)
33	12-8-82	Laboratory service fees (Repealed by 97-01)
33 amdt.	12-9-83	Amends §1 of R&R 33, laboratory fees (Repealed by 97-01)
34 amdt.	12-9-83	Amends §1 of R&R 34, immunization fees; repeals R&R 32 and 34 (3.04)
34 amdt.	9-11-84	Amends §2 of R&R 34, immunization fees (3.04)
34 amdt.	12-6-85	Amends §2 of R&R 34, immunization fees (3.04)
34 amdt.	12-19-86	Amends §1 of R&R 34, immunization fees (3.04)
35	12-8-82	Personal health service program fees; repeals R&R 21, 23, 25 and 27 (3.04)

Rule & Reg. No.	Date	Subject
35 amdt.	12-6-85	Amends §1 of R&R 35, personal health service program fees (3.04)
35 amdt.	12-19-86	Amends §1 of Rule 35, personal health fees (3.04)
36	12-9-83	Tuberculin test fees [Renumbered by 99-02] (3.04)
36 amdt.	12-6-85	Amends §1 of R&R 36, tuberculin test fees [Renumbered by 99-02] (3.04)
37	6-22-84	Sales of drugs and supplies (3.08)
38	9-20-88	Code adoption (1.01)
39	10-7-88	Adds §§10.08.222, 10.08.223, 10.08.224, 10.08.226, 10.08.227, 10.08.228, 10.08.233, 10.08.438 and 10.28.045, relating to infectious waste; amends §§10.08.080, 10.08.085, 10.08.100, 10.08.420, 10.20.010, 10.20.020, 10.20.030, 10.20.070, 10.24.010, 10.24.030, 10.24.050, 10.24.060, 10.24.070, 10.28.010, 10.28.020 and 10.28.030, infectious waste collection, handling and disposal requirements, permits and fees; repeals and replaces §10.08.225, definition of infectious waste generator and §10.28.070, infectious waste management plan; repeals §§10.08.265, 10.24.040 and 10.24.080 (Repealed by 03-06)
40	12-15-88	Assigns number 38 to Rule and Regulation passed 9-20-88 concerning code adoption, and number 39 to Rule and Regulation passed 10-7-88 relating to infectious waste control (1.01)
41	12-15-88	Restrictions and prohibitions on the sale of cigarettes and tobacco products (19.04)
42	12-15-88	Adds §5.60.060, posting of warning signs relating to consumption of alcoholic beverages and cigarette smoking during pregnancy (Repealed by 91)
43	12-15-88	Amends §§3.04.010, 3.04.020 and 3.04.030, fees for personal health services (3.04)
44	3-21-89	Repeals and replaces T. 12, water (Repealed by 53)
45	3-21-89	Adds T. 11, hazardous chemicals (11.01, 11.05, 11.10, 11.20, 11.30, 11.40, 11.50)
46	3-21-89	Communicable disease control by emergency medical service providers (Not codified)
47	6-6-89	Amends §2.04.020, board of health (Repealed by 11178)
48	12-1-89	Adds §§5.74.030, 5.74.040 and 5.74.050; amends §§5.68.020, 5.68.030 and 5.74.010, food service establishments (Repealed by 91)
49	12-1-89	Amends §§13.20.010, 13.28.020, 13.60.010 and 13.64.020, sewage disposal system fees (13.20, 13.28, 13.60, 13.64)
50	12-1-89	Amends §§15.04.010 and 15.04.020, school inspection fees (15.04)
51	12-1-89	Amends §§3.04.010, 3.04.020 and 3.04.030, personal health services (3.04)
52	12-1-89	Amends §§19.04.040, 19.04.060 and 19.04.070, tobacco retailer's licenses (19.04)
53	12-1-89	Repeals and replaces T. 12, water (12.04, 12.08, 12.12, 12.16, 12.20, 12.24, 12.28, 12.32, 12.36, 12.40)
54	1-3-90	Adds Title 16, crack house rules and regulations (Repealed by 59)
55	3-26-90	Amends §5.68.030, food service establishment permits, and §5.74.040, review of food service establishment plans (Repealed by 91)

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Rule & Reg. No.	Date	Subject
56	3-26-90	Amends effective date of R&R 54 from April 1, 1990 to July 1, 1990 (Not codified)
57	5-11-90	Amends §6.08.190, meat definitions, §§6.12.010, 6.12.060, 6.12.070, 6.12.080, 6.12.090, 6.12.210, 6.12.240, meat licensing, and §§6.24.020 and 6.24.040, sale of prepackaged meat; repeals §§6.08.180 and 6.12.200 (Repealed by 98-02)
58	5-11-89	Repeals and replaces Title 14, water recreation facilities (14.04, 14.08)
59	8-28-90	Repeals Title 16 (Repealer)
60	12-18-90	Amends §14.08.020, water recreation facilities application (14.08)
61	12-18-90	Amends §6.12.080, meat licensing (Repealed by 98-02)
62	12-18-90	Amends §5.68.020, food service establishment permits (Repealed by 91)
63	12-18-90	Amends §§10.24.010 and 10.24.020, solid waste handling fees (Repealed by 03-06)
64	12-18-90	Adds §§19.04.105, 19.04.115 and 19.04.116; amends §§19.04.020, 19.04.030, 19.04.040 and 19.04.070, restrictions on sale and availability of tobacco products (19.04)
65	12-18-90	Amends §§3.04.010, 3.04.020 and 3.04.030, personal health services – fees and charges (3.04)
66	4-2-91	Adds Ch. 2.08, hazardous waste management coordinating committee (2.08)
66 amdt.	10-3-94	Amends §§2.08.030 and 2.08.090, hazardous waste management fees (2.08)
67	4-2-91	Repeals §§16.40.010 – 16.40.040 (Repealer)
68	6-25-91	Amends §§19.04.010, 19.04.115 and 19.04.116, tobacco products (19.04)
69	6-25-91	Amends §§10.08.225 and 10.28.070(B), infectious waste (Repealed by 03-06)
70	8-12-91	Adds T. 16, woodstoves (16.04, 16.08, 16.12)
71	8-12-91	Amends §§1.08.020 and 1.08.250, general provisions (1.08)
72	9-17-91	Adds T. 4, health care information disclosure (infant death) (4.04, 4.08, 4.12)
73	11-1-91	Amends §6.36.050(G), meat (Repealed by 98-02)
74	12-11-91	Amends §§3.04.010, 3.04.020 and 3.04.030, health fees (3.04)
75	12-11-91	Amends §§5.68.020 and 5.74.020, food-service fees (Repealed by 91)
76	12-11-91	Amends §10.24.020, solid waste fees (Repealed by 03-06)
77	12-11-91	Amends §§13.12.050, 13.20.010, 13.24.010, 13.28.010 and 13.36.010, sewage system fees (13.12, 13.20, 13.24, 13.28, 13.36)
78	12-11-91	Adds Ch. 2.06, miscellaneous fees (2.06)
79	12-11-91	Amends §1.08.260, late payment fee (1.08)
80	3-23-92	Adds §§12.08.055, 12.08.255 and 12.28.011; amends §§12.04.030, 12.04.040, 12.08.010, 12.08.110, 12.08.120, 12.08.160, 12.08.270, 12.12.010, 12.16.010(B), 12.20.010 – 12.20.050, 12.24.010, 12.24.030, 12.28.020 – 12.28.040, 12.32.010, 12.32.020, 12.36.010, 12.36.020 and 12.40.010; repeals §12.28.010, water (12.04, 12.08, 12.16, 12.20, 12.24, 12.28, 12.32, 12.36, 12.40)

Rule & Reg. No.	Date	Subject
81	3-23-92	Adds Chapter 10.42 and §§10.08.016, 10.08.017, 10.08.037, 10.08.038, 10.08.055, 10.08.058, 10.08.059, 10.08.092, 10.08.094, 10.08.117, 10.08.142, 10.08.202, 10.08.204, 10.08.207, 10.08.234, 10.08.237, 10.08.265, 10.08.297, 10.08.352, 10.08.354, 10.08.367, 10.08.412, 10.08.482, 10.08.522, 10.24.055, 10.28.055, 10.28.085, 10.28.087, 10.40.005 and 10.40.007; amends §§10.04.030, 10.08.025, 10.08.040, 10.08.040, 10.08.080, 10.08.100, 10.08.115, 10.08.185, 10.08.222, 10.08.230, 10.08.345, 10.08.420, 10.08.425, 10.08.438, 10.08.450, 10.08.455, 10.08.465, 10.08.495, 10.08.520, 10.12.040, 10.12.060(C), 10.16.020, 10.16.030, 10.20.010, 10.20.020, 10.20.060, 10.20.070, 10.24.010, 10.24.020, 10.24.050, 10.28.010, 10.28.020(D), 10.28.030, 10.28.040(C), 10.28.045, 10.28.050 – 10.28.070, 10.28.100, 10.28.120, 10.32.010, 10.32.020, 10.36.010, 10.36.030, 10.36.080, 10.36.210, 10.36.240, 10.36.250, 10.36.290, 10.40.010 – 10.40.040, 10.44.010, 10.44.020, 10.48.010, 10.48.030, 10.52.010, 10.52.020, 10.68.010, 10.68.030, 10.68.040, 10.72.020, 10.76.010, 10.80.010, 10.80.040 and 10.84.010; amends and renumbers §§10.08.055 to be 10.08.060, 10.08.060 to be 10.08.062, 10.08.223 to be 10.08.051, 10.08.224 to be 10.08.052, 10.08.225 to be 10.08.053, 10.08.226 to be 10.08.054, 10.08.227 to be 10.08.056, 10.08.228 to be 10.08.057, 10.08.410 to be 10.08.267, 10.16.060 to be 10.24.015 and 10.12.030 to be 10.34.010 – 10.34.070; renames Ch. 10.32, location requirements, Ch. 10.40, biosolids, and Ch. 10.52, inert waste landfilling; repeals Ch. 10.56 and §§10.08.240, 10.08.310, 10.08.350, 10.08.400, 10.20.050 and 10.28.080, solid waste handling (Repealed by 03-06)
82	6-12-92	Adds §§10.08.032 and 10.68.010(C); amends §§10.24.010(K), 10.24.015(J), 10.28.087, 10.68.020, 10.72-.020(C)(3) and 10.76.020(B); repeals §10.68.010(B)(7), solid waste handling (Repealed by 03-06)
83	10-2-92	Adds Title 7, pesticides (7.01, 7.05, 7.10, 7.20, 7.30)

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Rule & Reg. No.	Date	Subject
83 amdt.	9-12-94	Adds new section to Title 7; amends §§7.01.010 – 7.01.050, 7.05.010, 7.05.030, 7.05.040, 7.05.050, 7.10.020, 7.10.030, 7.10.040, 7.20.010, 7.20.030, 7.20.040, 7.20.050, 7.20.070, 7.30.010 and 7.30.020 (7.01, 7.05, 7.10, 7.20, 7.30)
84	12-4-92	Adds Title 9, bicycle helmets (9.01, 9.04, 9.07, 9.10, 9.15)
85	12-16-92	Amends §§5.68.020, 5.68.030, 5.74.010 and 5.74.040, food service establishments (Repealed by 91)
86	12-16-92	Amends §6.12.070, meat wrapper salesperson license fees (Repealed by 98-02)
87	12-16-92	Amends §10.24.010, solid waste handling fees (Repealed by 03-06)
88	12-16-92	Amends §§12.04.060 and 12.12.010, water (12.04)
89	12-16-92	Amends §13.68.030(B), sludge hauling (13.68)
90	12-16-92	Amends §14.08.020(A), water recreation facilities (14.08)
91	5-14-93	Repeals §§5.02.010 – 5.80.010 and adds new Title 5, food service establishments; repeals R&R 2, 42, 48, 55, 62, 75 and 85 (Repealed by 05-05)
92	12-14-93	Amends §5.52.010, fee schedule [Relocated to Title 2 by R&R 05-05](2.10)
93	12-14-93	Amends §15.04.010, plan review and inspection (15.04)
94	12-14-93	Amends §12.04.060, water fees (12.04)
95	12-14-93	Amends §14.08.020, water recreation facilities (14.08)
96	12-14-93	Amends §§6.12.070 and 6.12.080, meat (Repealed by 98-02)
97	12-14-93	Adds new sections to Title 1; amends §§1.08.250, 1.08.260 and 1.08.270, uniform enforcement code (1.08)
98	12-14-93	Amends §§13.12.050, 13.20.010, 13.20.020, 13.20.030, 13.24.010, 13.28.010 and 13.64.020, sewers (13.12, 13.20, 13.24, 13.28, 13.64)
99	12-14-93	Amends §§3.04.010, 3.04.020 and 3.04.030, personal health services fees (3.04)
No. 1	6-21-96	Adds §§12.08.035 and 12.28.035; amends §§12.04.040, 12.04.060, 12.08.110, 12.28.020, 12.28.030 and 12.28.040; repeals §§12.08.200 and 12.12.010, water – general (12.04, 12.08, 12.28)

Rule & Reg. No.	Date	Subject
No. 2	6-21-96	Adds §§2.04.140 through 2.04.180, rules and regulations procedures (2.04)
No. 3	9-20-96	Amends §§5.52.010, 5.54.040 and 5.60.020, fee schedule [§5.52.010 relocated to Title 2 by R&R 05-05; other sections repealed by 05-05](2.10)
No. 4	12-20-96	Amends §5.52.010, fee schedule [Relocated to Title 2 by R&R 05-05](2.10)
97-01	1-17-97	Repeals and replaces §3.04.040, personal health services fees (Repealed by 99-02)
97-02	2-21-97	Amends §5.52.010, food service establishment fees [§5.52.010 relocated to Title 2 by R&R 05-05](2.10)
97-03	5-30-97	Adds Ch. 19.08, restrictions on tobacco product advertising and promotion (19.08)
97-04	7-18-97	Adds (amends) Ch. 19.08, restrictions on tobacco product advertising and promotion (19.08)
97-05	12-19-97	Amends §5.52.010, food service establishment fees [Relocated to Title 2 by R&R 05-05](2.10)
97-06	12-19-97	Amends §§13.12.050 and 13.24.010, appeals fees (13.12, 13.24)
98-01	3-20-98	Amends §6.12.080; repeals §§6.08.230, 6.12.130, SMC §10.03.013(A) through (D) and SMC §10.13.160(D), business license fees (Repealed by 98-02)
98-02	7-17-98	Repeals and replaces T. 6, meat poultry, rabbit and aquatic foods (MPRAF); repeals SMC Ord. 12098, §3 (Repealed by 05-06)
98-03	9-18-98	Adds §19.08 [§19.08.060]; amends §§19.08.010, 19.08.020 and 19.08.030, tobacco regulations (19.08)
98-04	12-17-98	Amends §5.52.010, food service establishment fee schedule [Relocated to Title 2 by R&R 05-05](2.10)

[Editor's Note: Legislative Tables Continue on Next Page]

Editor's Note

Beginning with the May, 2000 Supplement, both the date of adoption and the effective date of each rule and regulation is being shown in these tables.

<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
99-01	3-19-99	4-18-99	Amends Title 13 in entirety; renames Title 13 from "Sewage" to "On-Site Sewage. Adds adds §§ 13.04.054, 13.04.058, 13.08.018, 13.08.024, 13.08.034, 13.08.046, 13.08.048, 13.08.072, 13.08.082, 13.08.084, 13.08.085, 13.08.086, 13.08.088, 13.08.089, 13.08.112, 13.08.113, 13.08.114, 13.08.116, 13.08.118, 13.08.132, 13.08.134, 13.08.142, 13.08.152, 13.08.164, 13.08.202, 13.08.212, 13.08.214, 13.08.218, 13.08.226, 13.08.262, 13.08.284, 13.08.321, 13.08.322, 13.08.324, 13.08.341, 13.08.342, 13.08.372, 13.08.402, 13.08.406, 13.08.426, 13.08.434, 13.08.472, 13.08.484, 13.08.492, 13.08.494, 13.08.495, 13.08.496, 13.08.512, 13.08.516, 13.12.070, 13.20.035, 13.40.001, 13.40.005, 13.48.060, 13.52.054, 13.56.054, 13.60.005, 13.68.034, 13.68.036; also adds Ch. 13.74 [§§13.74.010, 13.74.020 and 13.74.040 --Subsequently relocated to Title 2 by R&R 05-05]. Repeals §13.08.230; also repeals §13.12.030 [renumbers former §§13.12.040 – 13.12.070 as §§13.12.030 – 13.12.060]; also repeals §13.12.100 [renumbers former §13.12.110 as §13.12.100]; also repeals and replaces §13.52.040; and repeals Ch. 13.72 (2.18, 13.04, 13.08, 13.12, 13.16, 13.20, 13.24, 13.28, 13.32, 13.36, 13.40, 13.44, 13.48, 13.52, 13.56, 13.60, 13.64, 13.68)
99-02	10-15-99	12-31-99	Amends Title 3 in entirety, "Personal Health Services – Fees and Charges" (3.04, 3.08, 3.12)
99-03	10-15-99	12-31-99	Amends §13.74.010, fee schedule [Relocated to Title 2 by R&R 05-05] (2.18)
99-04	10-15-99	12-31-99	Amends §12.04.060, fees for analysis and sampling of water (12.04)
99-05	10-15-99	12-31-99	Amends §7.20.070, examination and annual business registration fees pertaining to pesticides (7.20)
99-06	10-15-99	12-31-99	Amends §2.06.010, construction and environmental review fees (2.06)
99-07	11-19-99	12-31-99	Amends §5.52.010, food service establishment permit, plan review and miscellaneous fees [Relocated to Title 2 by R&R 05-05](2.10)
99-08	11-19-99	12-31-99	Amends §13.74.010, fee schedule [Relocated to Title 2 by R&R 05-05] (2.18)
99-09	11-19-99	12-31-99	Amends §12.04.060, fees for analysis and sampling of water (12.04)
99-10	11-19-99	12-31-99	Amends §14.08.020, permit fees pertaining to water recreation facilities (14.08)
99-11	11-19-99	12-31-99	Amends Seattle Municipal Code §10.03.170, pet kennel permit fees (Not codified in this code)

<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
00-01	1-21-00	1-21-00	Repeals portion of Seattle Health Code, as codified in SMC §10.03.013(E) (Repealer)
00-02	1-21-00	1-21-00	Repeals portion of Seattle Health Code, as codified in SMC §10.03.030 (Repealer)
00-03	1-21-00	1-21-00	Amends §§5.06.020, 5.26.040 and 5.30.040; also repeals portions of Seattle Health Code, as codified in SMC §10.03.110(C) and Ch. 10.10 (Repealed by 05-05)
00-04	1-21-00	1-21-00	Repeals portion of Seattle Health Code, as codified in SMC Ch. 10.18 (Repealer)
00-05	1-21-00	1-21-00	Repeals portion of Seattle Health Code, as codified in SMC Ch. 10.20 (Repealer)
00-06	1-21-00	1-21-00	Repeals portion of Seattle Health Code, as codified in SMC Ch. 10.32 (Repealer)
00-07	5-19-00	5-19-00	Adds §5.04.748, defining "unpasteurized juice"; also amends §§ 5.10.050 and 5.18.060, pertaining to appropriate labeling and handling of certain food items (Repealed by 05-05)
00-08	7-21-00	7-21-00	Adds §19.08.005, suspending restrictions on tobacco advertisements in publicly visible locations (19.08)
00-09	7-21-00	1-1-01	Amends §5.52.010, fee schedule for food service establishments [Relocated to Title 2 by R&R 05-05](2.10)
01-01	10-19-01	10-19-01	Repeals portion of Seattle Health Code, as codified in SMC Ch. 10.14 (Repealer)
01-02	12-7-2001	1-7-02	Amends §5.52.010, fee schedule for food service establishments [Relocated to Title 2 by R&R 05-05](2.10)
01-03	12-7-2001	1-7-02	Amends § 14.08.020, permit fees pertaining to water recreation facilities (14.08)
02-01	5-17-2002	6-17-2002	Amends § 13.56.054, recording of notice on title; also amends § 13.74.010, fee schedule, all pertaining to on-site sewage systems [§ 13.74.010 relocated to Title 2 by R&R 05-05] (2.18, 13.74)
02-02	11-15-2002	1-1-2003	Amends § 13.74.010, fee schedule pertaining to on-site sewage systems [Relocated to Title 2 by R&R 05-05] (2.18)
02-03	11-15-2002	1-1-2003	Amends § 14.08.020, permit fees for water recreation facilities (14.08)
02-04	11-15-2002	1/1/2003	Amends § 6.54.010, fee schedule for MPRAF establishments (Repealed by 05-05)
02-05	11-15-2002	1/1/2003	Amends § 5.52.010, fee schedule for food service establishments [Relocated to Title 2 by R&R 05-05](2.10)

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<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
03-01	1-24-2003	1-24-2003	Amends § 5.06.020, milk and milk products (Repealed by 05-05)
03-02	1-24-2003	1-24-2003	Amends §§ 2.08.020, 2.08.025, 2.08.075, 2.08.080 and 2.08.085, all pertaining to the hazardous waste management coordination committee (2.08)
03-03	3-21-2003	4-20-2003	Amends §§ 15.04.010 and 15.04.020, plan review and inspection fees for schools (15.04)
03-04	3-21-2003	3-21-2003	Adds Ch. 10.88, Mercury Fever Thermometer Sales Prohibition (Repealed by 03-06)
03-05	7-18-2003	8-17-2003	Amends Title 9 in entirety, Bicycle Helmets (9.01, 9.04, 9.07, 0.10, 9.15 and 9.16)
03-06	11-21-2003	12-21-2003	Repeals and replaces Title 10, Board of Health Solid Waste Regulations; also repeals portion of Seattle Health Code, as codified in adopted SMC Sections 21.36.096, 21.36.180, 21.36.185, 21.36.190, and Chapter 21.44 (Title 10)
04-01	4-16-2004	4-16-2004	Adds Ch. 8.02, General Provisions; also amends §§ 8.04.010, 8.04.020, 8.04.030, 8.04.040 and 8.04.060; also repeals §§ 8.04.050 and 8.04.080, as well as portions of the Seattle Health Code [Ch. 9.12]; all pertaining to rabies (8.02, 8.04)
04-02	10-15-2004	8-15-2004	Adds §§ 12.08.142, 12.08.145, 12.08.147 and 12.08.200; also amends §§ 12.04.060 [Relocated to Title 2 by R&R 05-05] and 12.28.020, all pertaining to water (2.16, 12.28)
04-03	10-15-2004	8-15-2004	Amends § 13.74.010, fee schedule for on-site sewage systems [Relocated to Title 2 by R&R 05-05] (2.18)
04-04	12-17-2004	12-17-2004	Repeals portions of Seattle Health Code, as codified in SMC Ch. 25.10, adopted by Metropolitan King County Council pursuant to Ordinance 12098, Section 3 (Repealer)
04-05	12-17-2004	12-17-2004	Repeals portions of Seattle Health Code, as codified in SMC § 10.03.010, adopted by Metropolitan King County Council pursuant to Ordinance 12098, Section 3 (Repealer)
05-01	2-18-2005	2-18-2005	Repeals portions of Seattle Health Code, as codified in SMC Ch. 10.26, adopted by Metropolitan King County Council pursuant to Ordinance 12098, Section 3 (Repealer)
05-02	5-20-2005	1-1-2006 ¹	Amends § 2.08.090, fees pertaining to hazardous waste management (2.08)
05-03	5-20-2005	5-20-2005	Board resolution approving the workplan for a public health operational master plan (PH OMP) for the Department of Public Health (Not codified)
05-04	5-20-2005	5-20-2005	Board resolution authorizing the preparation of a pandemic influenza preparedness plan (Not codified)

¹Section 2 of R&R 05-02 is effective 1-1-2007.

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<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
05-05	6-17-2005	7-17-2005 ²	Adds §§ 2.06.005, 2.10.010, 2.10.040, 2.10.050, 2.10.060, 2.10.080, 2.12.010, 2.14.010, 2.14.030, 2.16.010, 2.18.010, 2.20.010, 2.22.010, 10.05.050; amends § 2.06.010; also amends §§ 1.08.250, 1.08.260, 1.08.270, 1.08.280, 1.08.290, 1.08.300 and recodifies the sections as §§ 2.06.020, 2.06.030, 2.06.040, 2.06.050, 2.06.060, 2.06.070; amends §§ 5.52.010, 5.52.020, 5.52.040, 5.52.050 and 5.52.060 and recodifies the sections as §§ 2.10.020, 2.10.030, 2.10.070, 2.10.090 and 2.10.100; amends §§ 7.01.070, 7.01.080 and 7.20.070 and recodifies the sections as §§ 2.12.020, 2.12.030 and 2.12.040; amends § 7.20.010; amends §§ 10.05.030 and 10.07.030; amends §§ 10.06.010, 10.06.040, 10.06.050, 10.06.060, 10.06.070, 10.06.080, 10.06.090 and 10.06.100 and recodifies the sections as §§ 2.14.020, 2.14.040, 2.14.050, 2.14.060, 2.14.070, 2.14.080, 2.14.090 and 2.14.100; amends § 12.04.060 and recodifies the section as § 2.16.020; amends §§ 12.16.010, 12.20.010, 12.20.050, 12.28.020, 12.28.040 and 12.36.020; amends §§ 13.74.010, 13.74.020 and 13.74.040 and recodifies the sections as §§ 2.18.020, 2.18.030 and 2.18.040; amends § 14.08.020 and recodifies the section as § 2.20.020; amends §§ 15.04.010 15.04.020 and recodifies the sections as §§ 2.22.020 and 2.22.030; repeals § 5.52.030, 5.52.070, 6.54.010, 6.54.020, 6.54.030, 6.54.040, 6.54.050, 10.06.020, and 10.06.030 (2.06, 2.10, 2.12, 2.14, 2.16, 2.18, 2.20, 2.22, 7.20, 10.05, 10.07, 12.16, 12.20, 12.28, 12.36)

²Effective dates for various sections of the code amended by R&R 05-05 are shown within the code text.

Rule & Reg. No.	Adoption Date	Effective Date	Subject
05-06	6-17-2005	6-17-2005	Adds §§ 5.02.025, 5.04.005, 5.04.010, 5.04.020, 5.04.030, 5.04.040, 5.04.290, 5.04.400, 5.04.410, 5.04.420, 5.04.450, 5.04.460, 5.04.620, 5.26.010, 5.34.010, 5.34.020, 5.34.030, 5.42.010, 5.50.010, 5.50.020, 5.50.030, 5.50.040, 5.60.010, 5.60.020, 5.60.030, 5.60.040, 5.60.050, 5.60.060, 5.64.010 and 5.64.020; also amends §§ 5.04.280, 5.04.370, 5.04.390, 5.04.640, 5.10.070, 5.20.050; and repeals 5.04.010, 5.04.020, 5.04.030, 5.04.040, 5.04.050, 5.04.060, 5.04.070, 5.04.080, 5.04.090, 5.04.100, 5.04.110, 5.04.120, 5.04.130, 5.04.140, 5.04.150, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250, 5.04.260, 5.04.270, 5.04.290, 5.04.300, 5.04.310, 5.04.320, 5.04.330, 5.04.340, 5.04.350, 5.04.360, 5.04.380, 5.04.400, 5.04.410, 5.04.420, 5.04.430, 5.04.440, 5.04.450, 5.04.460, 5.04.470, 5.04.480, 5.04.500, 5.04.510, 5.04.520, 5.04.530, 5.04.540, 5.04.550, 5.04.560, 5.04.570, 5.04.580, 5.04.590, 5.04.600, 5.04.610, 5.04.630, 5.04.650, 5.04.660, 5.04.670, 5.04.680, 5.04.690, 5.04.700, 5.04.710, 5.04.720, 5.04.730, 5.04.740, 5.04.748, 5.04.750, 5.04.760, 5.04.770, 5.06.010, 5.06.020, 5.06.030, 5.06.040, 5.06.050, 5.06.060, 5.08.010, 5.08.020, 5.08.030, 5.08.040, 5.08.050, 5.08.060, 5.10.010, 5.10.020, 5.10.030, 5.10.040, 5.10.050, 5.10.060, 5.12.010, 5.12.020, 5.12.030, 5.14.010, 5.14.020, 5.14.030, 5.14.040, 5.14.050, 5.14.060, 5.14.070, 5.16.010, 5.16.020, 5.16.030, 5.16.040, 5.16.050, 5.16.060, 5.16.070, 5.16.080, 5.16.090, 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.20.010, 5.20.020, 5.20.030, 5.20.040, 5.20.060, 5.20.070, 5.20.080, 5.22.010, 5.22.020, 5.22.030, 5.22.040, 5.22.050, 5.22.060, 5.24.010, 5.24.020, 5.24.030, 5.24.040, 5.26.010, 5.26.020, 5.26.030, 5.26.040, 5.26.050, 5.26.060, 5.26.070, 5.26.080, 5.26.090, 5.26.100, 5.26.110, 5.26.120, 5.26.130, 5.26.140, 5.28.010, 5.28.020, 5.28.030, 5.28.040, 5.28.050, 5.28.060, 5.30.010, 5.30.020, 5.30.030, 5.30.040, 5.32.010, 5.32.020, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 5.34.010, 5.34.020, 5.34.030, 5.34.040, 5.34.050, 5.34.060, 5.34.070, 5.34.080, 5.34.090, 5.34.100, 5.34.110, 5.34.120, 5.34.130, 5.34.140, 5.34.150, 5.34.160, 5.34.170, 5.36.010, 5.36.020, 5.36.030, 5.36.040, 5.36.050, 5.36.060, 5.36.070, 5.36.080, 5.36.090, 5.36.100, 5.36.110, 5.36.120, 5.36.130, 5.36.140, 5.36.150, 5.36.160, 5.36.170, 5.37.010, 5.37.020, 5.37.030, 5.37.040, 5.37.050, 5.38.010, 5.38.020, 5.40.010, 5.40.020, 5.40.030, 5.42.010, 5.42.020, 5.42.030, 5.42.040, 5.42.050, 5.42.060, 5.42.070, 5.42.080, 5.42.090, 5.44.010, 5.44.020, 5.44.030, 5.44.040, 5.46.010, 5.46.020, 5.46.030, 5.46.040, 5.46.050, 5.46.060, 5.48.010, 5.48.020, 5.48.030, 5.50.010, 5.50.020, 5.50.030, 5.54.010, 5.54.020, 5.54.030, 5.54.040, 5.54.050, 5.56.010, 5.56.020, 5.56.030, 5.58.010, 5.58.020, 5.60.010, 5.60.020, 5.60.030, 5.60.040, 5.62.010, 5.62.020, 5.64.010, 5.64.020, 5.66.010; also repeals Title 6 in entirety (5.02, 5.04, 5.10, 5.20, 5.26, 5.34, 5.42, 5.50, 5.60, 5.64)

<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
05-07	10/21/2005	10/21/2005	Board resolution supporting the metropolitan King County Council motion urging congress to provide full funding for an exercise to demonstrate capabilities and integration of governments to respond to a pandemic influenza outbreak (Not codified)
05-08	10/21/2005	10/21/2005	Board resolution recommending a comprehensive strategy to promote healthy eating and active living in King County (Not codified)
05-09	12/9/2005	1/9/2006	Adds §§ 3.04.020, 3.04.030, 3.04.040 and 3.04.050; also amends §§ 3.04.010 and 3.08.010, fees pertaining to personal health services
06-01	5/19/2006	6/18/2006	An amendment for the protection of the public health against the spread of disease to humans by animals including rodents; establishing a zoonotic disease prevention title within the Code of the King County Board of Health ("BOH") by amending King County Board of Health Rules and Regulations ("R&R") 04-01 Section 2 (part) and BOH 8.02.010, 8.02.020, 8.02.040, R&R 30 as amended and BOH 8.04.060; adding new chapters to BOH Title 8; adding new sections to BOH Chapter 8.04; and recodifying BOH 8.02.010, 8.02.020, 8.02.030, and 8.02.040; enacted pursuant to RCW 43.20.050 and 70.05.060, including the latest amendments or revisions thereto; and repealing the Seattle Health Code as codified in sections 10.24.040, 10.24.050, 10.24.060, and 10.24.070 of the Seattle Municipal Code, adopted by the Metropolitan King County Council pursuant to Ordinance 12098, Section 3.
07-01	7/19/2007	8/1/2008	An amendment for the protection of the public health through the nutrition labeling of food; adding new sections to the Code of the King County Board of Health, BOH Chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.
07-02	7/19/2007	5/1/2008	An amendment for the protection of the public health through the regulation of foods containing artificial trans fat; adding new sections to the Code of the King County Board of Health, BOH Chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.
07-03	10/18/2007	11/17/2007	An amendment for the protection of the public health through the regulation of smoking in public places and places of employment and suspending the operation and effect of a provision of chapter 19.04, BOHC 19.04.115; adding a new chapter to the Code of the King County Board of Health, BOHC Title 19 and repealing BOHC 19.04.010, 19.04.020, 19.04.030, 19.04.040, 19.04.050, 19.04.060, 19.04.070, 19.04.080, 19.04.090, 19.04.100, 19.04.105, 19.04.110, 19.04.116 and 19.04.120.

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<u>Rule & Reg. No.</u>	<u>Adoption Date</u>	<u>Effective Date</u>	<u>Subject</u>
08-01	3/12/2008	3/12/2008 (Part)	An amendment relating to the protection of the public health through the nutrition labeling of food; amending BOH R&R 07-01, Section 1, and BOH 5.10.005, BOH R&R 07-01, Section 2, and BOH 5.10.015 and BOH R&R 07-01, Section 3, and BOH 5.10.025 and adding new sections to BOH chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto; <u>and declaring an emergency.</u>
		8/1/2008 (Part)	
08-02	4/17/2008	5/17/2008 (Part)	An amendment relating to the protection of the public health through the nutrition labeling of food; amending BOH R&R 07-01, Section 1, and BOH 5.10.005, BOH R&R 07-01, Section 2, and BOH 5.10.015 and BOH R&R 07-01, Section 3, and BOH 5.10.025 and adding new sections to BOH chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.
		8/1/2008 (Part)	
08-03	6/19/2008	8/1/2008	A RULE AND REGULATION for the protection of the public health against the spread of disease from sewage; amending R&R 3, Part 1, Section 2, as amended, and BOH 13.04.020, R&R 3, Part 13, Section 1, as amended, and BOH 13.04.050, R&R 99-01, Section 2 (part), and BOH 13.04.054, R&R 3, Part 13, Section 2, as amended, and BOH 13.04.060, R&R 3, Part 13, Section 3, as amended, and BOH 13.04.070, R&R 99-01, Section 2 (part), and BOH 13.08.018, R&R 99-01, Section 2 (part), and BOH 13.08.084, R&R 99-01, Section 2 (part), and BOH 13.08.086, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.090, R&R 99-01, Section 2 (part), and BOH 13.08.114, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.120, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.130, R&R 99-01, Section 2 (part), and BOH 13.08.132, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.140, R&R 99-01, Section 2 (part), and BOH 13.08.152, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.170, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.180, R&R 99-01, Section 2 (part), and BOH 13.08.202, R&R 99-01, Section 2 (part), and BOH 13.08.214, R&R 99-01, Section 2 (part), and BOH 13.08.218, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.220, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.280, R&R 99-01, Section 2 (part), and BOH 13.08.284, R&R 99-01, Section 2 (part), and BOH 13.08.322, R&R 99-01, Section 2 (part), and BOH 13.08.324, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.350, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.360, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.370, R&R 99-01, Section 2 (part), and BOH 13.08.372, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.400, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.420, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.470, R&R 99-01, Section 2 (part), and BOH 13.08.472, R&R 3, Part 1, Section 5 (part), as amended, and BOH 13.08.480, R&R 99-01, Section 2 (part), and BOH 13.08.484, R&R 99-01, Section 2 (part), and BOH 13.08.496, R&R 3, Part 1, Section 5 (part), and BOH 13.08.500, R&R 3, Part 10, Section 3 (E), as amended, and BOH 13.12.090, R&R 3, Part 12, Section 1, as amended, and BOH 13.16.010, R&R 3, Part 2, Section 1, as amended, and BOH 13.20.010, R&R 3, Part 2, Section 2 (A), as amended, and BOH 13.20.020, R&R 3, Part 2, Section 2 (B), as amended, and BOH 13.20.030, R&R 99-01, Section 2 (part), and BOH 13.20.035, R&R 3, Part 2, Section 3, as amended, and BOH 13.20.040, R&R 3, Part 3, Section 1, as amended, and BOH 13.24.010, R&R 3, Part 3, Section 2, as amended, and BOH 13.24.020, R&R 3, Part 3, Section 3, as

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08-03 Continued			amended, and BOH 13.24.030, R&R 3, Part 3, Section 4, as amended, and BOH 13.24.040, R&R 3, Part 3, Sections 1 and 4, as amended, and BOH 13.28.010, R&R 3, Part 4, Section 2, as amended, and BOH 13.28.020, R&R 3, Part 4, Section 3, as amended, and BOH 13.28.030, R&R 3, Part 4, Section 4, as amended, and BOH 13.28.040, R&R 3, Part 4, Section 5, as amended, and BOH 13.28.050, R&R 3, Part 4, Section 6, as amended, and BOH 13.28.060, R&R 3, Part 4, Section 7, as amended, and BOH 13.28.070, R&R 3, Part 5, Section 1 (A) (4), as amended, and BOH 13.32.050, R&R 3, Part 5, Section 1 (A) (5), as amended, and BOH 13.32.060, R&R 3, Part 5, Section 2 (A), as amended, and BOH 13.36.010, R&R 3, Part 5, section 2 (B), as amended, and BOH 13.36.020, R&R 3, Part 5, Section 2 (C), as amended, and BOH 13.36.030, R&R 99-01, Section 2 (part), and BOH 13.40.001, R&R 99-01, Section 2 (part), and BOH 13.40.005, R&R 3, Part 5, Section 3 (A), as amended, and BOH 13.40.010, R&R 3, Part 5, Section 3 (C), as amended, and BOH 13.40.030, R&R 3, Part 5, Section 3 (D), as amended, and BOH 13.40.040, R&R 3, Part 5, Section 3 (E), as amended, and BOH 13.40.050, R&R 3, Part 5, Section 4, as amended, and BOH 13.44.010, R&R 3, Part 5, Section 6, as amended, and BOH 13.48.010, R&R 3, Part 5, Section 6, as amended, and BOH 13.48.020, R&R 3, Part 5, Section 7, as amended, and BOH 13.48.030, R&R 99-01, Section 2 (part), and BOH 13.48.060, R&R 3, Part 6, Section 1, as amended, and BOH 13.52.010, R&R 3, Part 6, Section 2, as amended, and BOH 13.52.020, R&R 3, Part 6, Section 3, as amended, and BOH 13.52.030, R&R 99-01, Section 2 (part), and BOH 13.52.040, R&R 3, Part 6, Section 5, as amended, and BOH 13.52.050, R&R 99-01, Section 2 (part), and BOH 13.52.054, R&R 3, Part 6, Section 6, as amended, and BOH 13.52.060, R&R 3, Part 7, Section 1, as amended, and BOH 13.56.010, R&R 3, Part 7, Section 2, as amended, and BOH 13.56.020, R&R 3, Part 7, Section 3, as amended, and BOH 13.56.030, R&R 3, Part 7, Section 4, as amended, and BOH 13.56.040, R&R 3, Part 7, Section 5, as amended, and BOH 13.56.050, R&R 99-01, Section 2 (part), as amended, and BOH 13.56.054, R&R 3, Part 7, Section 6, as amended, and BOH 13.56.060, R&R 99-01, Section 2 (part), and BOH 13.60.005, R&R 3, Part 8, Section 1, as amended, and BOH 13.60.010, R&R 3, Part 8, Section 2, as amended, and BOH 13.60.020, R&R 3, Part 9, Section 1, as amended, and BOH 13.64.010, R&R 3, Part 9, Section 2, as amended, and BOH 13.64.020 R&R 3, Part 11, Section 1, as amended, and BOH 13.68.010, R&R 3, Part 11, Section 3, as amended, and BOH 13.68.030, R&R 99-01, Section 2 (part), and BOH 13.68.036 and R&R 99-01, Section 2 (part), as amended, and BOH 2.18.020, adding a new section to BOH chapter 13.04, adding new sections to BOH chapter 13.08, adding a new section to BOH chapter 13.56, adding new sections to BOH chapter 13.52, adding a new section to BOH chapter 13.60; recodifying 13.08.086 and 13.20.050 and repealing R&R 3, Part 1 Section 5 (part) and BOH 13.08.030, R&R 99-01, Section 2 (part), and BOH 13.08.034, R&R 99-01, Section 2 (part), and BOH 13.08.046, R&R 99-01, Section 2 (part), and BOH 13.08.048, R&R 99-01, Section 2 (part) and BOH 13.08.088, R&R 99-01, Section 2 (part), and BOH 13.08.118, R&R 3, Part 1 Section 5 (part), and BOH 13.08.150, R&R 99-01, Section 2 (part), and BOH 13.08.262, R&R 99-01, Section 2 (part), and BOH 13.08.434, R&R 99-01, Section 2 (part), and BOH 13.08.492, R&R 99-01, Section 2 (part), and BOH 13.08.494 and R&R 99-01, Section 2 (part), and BOH 13.08.495; and making technical corrections; enacted pursuant to RCW 43.20.050 and 70.05.060, including the latest amendments or revisions thereto.

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