

Inspection Compliance

Clallam County Environmental Health has worked to continually bring more and more property owners into compliance with septic inspection requirements. First and foremost, education and outreach serve as the foundation for our OSS Management program. Methods used to reach the public include:

- Radio advertising
- Newspaper advertising
- Social media outreach
- Direct informational mailings
- Post card reminders
- Booths at events such as “Home Show” and “NPBA Builders’ Expo”
- Direct outreach/presentations to industry professionals such as realtors

Messaging delivered by the above means includes:

- Regular septic inspections save homeowners money and protect investment by avoiding failure and pumping only when necessary
- Inspections protect public health by avoiding human contact with untreated wastewater
- Inspections safeguard water resources and the environment

Early on, the OSS Workgroup recognized that professional septic inspections represented a cost to households and recommended removing financial barriers by offering incentives/rebates, when available, and providing a way for homeowners to become certified to perform “do-it-yourself” inspections. Clallam County Environmental Health follows through on these parts of the OSS Management Plan, offering rebates and teaching regular, free “DIY Septic Inspection Classes” as funding allows. Recent rebate and septic training class summaries follow:

<i>Most Recent Rebate Rounds</i>			
Year	Rebates Filled	Rebate Amount (Each)	Funding Source
2017	25	\$100	LMP Grant
2017	175	\$100	NEP Grant
2018	25	\$100	LMP Grant
2018	110	\$100	NEP Grant
2019	25 (projected)	\$100	LMP Grant
2019	TBD	TBD	NEP Grant

<i>Most Recent Septic Training Classes</i>				
Date	Class	Location	Registrants	Funding Source
01/18/18	Septic 101 (Basics)	Sequim	42	NEP Grant
02/08/18	Septic 201 (DIY)	Sequim	25	NEP Grant
03/22/18	Septic 201	Port Angeles	33	NEP Grant
04/25/18	Septic 101	Port Angeles	28	NEP Grant
05/16/18	Septic 101	Forks	9	LMP Grant
06/13/18	Septic 201	Sequim	25	NEP Grant
09/13/18	Septic 101	Sequim	51	LMP Grant
10/11/18	Septic 201	Port Angeles	25	LMP Grant
11/07/18	Septic 201	Sequim	25	NEP Grant
01/30/19	Septic 101	Sequim	19	NEP Grant
02/27/19	Septic 201	Port Angeles	11	NEP Grant
03/27/19	Septic 201	Sequim	13	NEP Grant
04/26/19	Septic 101	Sequim	18	LMP Grant
Available Continuously	Online Training	NA	< 1,023 Total	Both Grants

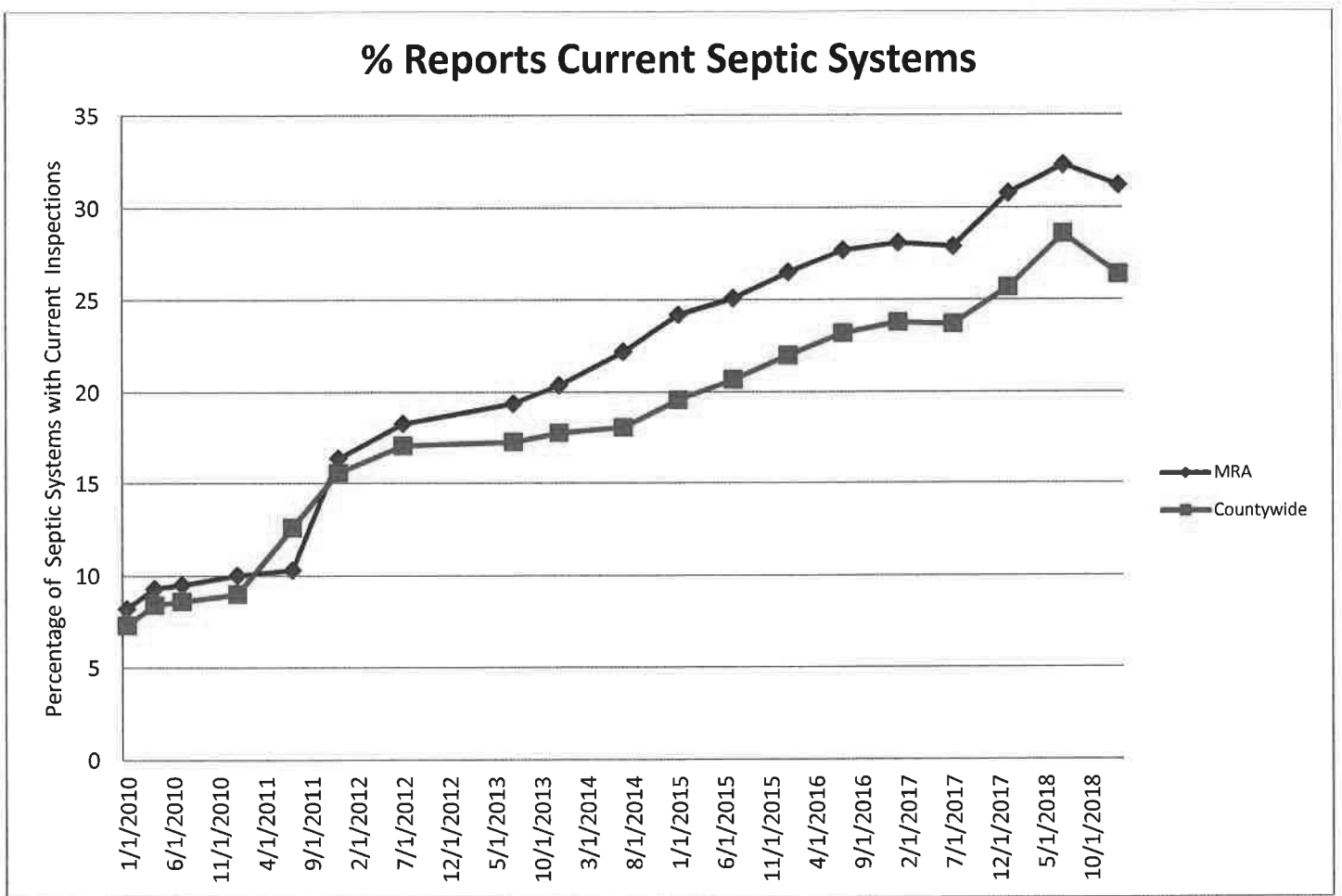
In limited instances Clallam County Environmental Health has used enforcement to require septic inspections. Enforcement/compliance timelines, administrative penalties, and District Court action take significant amounts of staff time, and tap into other County resources such as assistance from the Prosecuting Attorney's Office. To date, this technique has only been used in areas with a history of the most egregious, documented water quality problems. Per Clallam County Code:

(2) The monetary penalty for violations for noncompliance with required system status inspections and reporting shall be \$5 per day, not to exceed \$300 per year. The effective date shall be the date the required system status report is due as ordered by the Health Officer (CCHR 41.20.270).

An example enforcement timeline follows. This particular group of households was chosen based on proximity to "downgraded" shellfish growing area in Dungeness Bay, coupled with a lack of required septic records. This was the fourth (4th) such compliance timeline that Environmental Health has used since the enforcement procedure was established with assistance from the Prosecuting Attorney's Office in 2017.

<i>Example Septic Inspection Enforcement Timeline</i>			
Date	Action	Purpose	Group Households In Compliance/Out of Compliance
04/02/2018	Friendly Letter	Outline expectations, point out benefits of inspections, give Dungeness Bay pollution cleanup context, highlight \$100 inspection incentives/rebates available, advise enforcement <i>could</i> follow.	0/50
05/03/18	Official Request for Voluntary Compliance/Start Timeline Letter	Official septic inspection request, start clock on compliance timeline, advise enforcement <i>will</i> follow.	5/45
06/13/18	Notice of Violation Letter	Notify out of compliance with CCHR and WAC, advise administrative penalties to follow if no progress within 30 days.	27/23
10/19/18	Notice of Admin. Penalties Due Letter	Notify administrative penalties have accrued at \$5/day (following no action for 30 days) to yearly maximum \$300, penalty due and payable, invoice provided, Health Officer hearing/appeal request form provided.	45/5
04/03/19	District Court Complaints Filed	Request Court to order septic inspection and follow through on repairing any deficiencies discovered, collect unpaid admin. penalties, collect statutory attorney fees, collect Sheriff's Office personal service fee.	48/2

With all of the above efforts, septic inspection compliance rates have generally improved over the years. The chart, below, tracks compliance rates within the eastern part of the County (MRA) and Countywide.



Failure Follow-Up (Failing Septic System Repair Enforcement)

When septic systems fail, Clallam County Environmental Health is responsible for making sure repairs happen to keep people from getting sick and to prevent contamination of surface- or ground-water. About 700 (known) septic systems have failed since Clallam County adopted its Onsite Sewage System Management Plan and created a database to keep track of septic records (over 50 failing septic systems have been recorded in the first half of 2019 alone). About 600 of those failures have been repaired. Some owners of failing septic systems cause repairs to happen without external motivation. Other failures require significant Environmental Health staff effort and time. Also, various financial resources exist to help eligible owners of failing septic systems afford needed repairs. In some cases, USDA, Craft3, and Clallam Conservation District can help homeowners access rural development loans, clean water loans, or even cost-share grants.

Failure follow-up timelines and process are generally comparable to the septic inspection compliance timelines and process described above. Failure follow-up timelines, however, may be shortened based on immediate risk to public health (such as surfacing sewage in a location of likely human contact). Also, the maximum-allowable administrative penalty for failing to correct a failing septic system is much greater than that for simple noncompliance with septic inspection requirements:

(3) Monetary penalty schedule for other violations as determined by the Health Officer:

(a) First day of each violation: \$100;

(b) Second day of each violation: \$200;

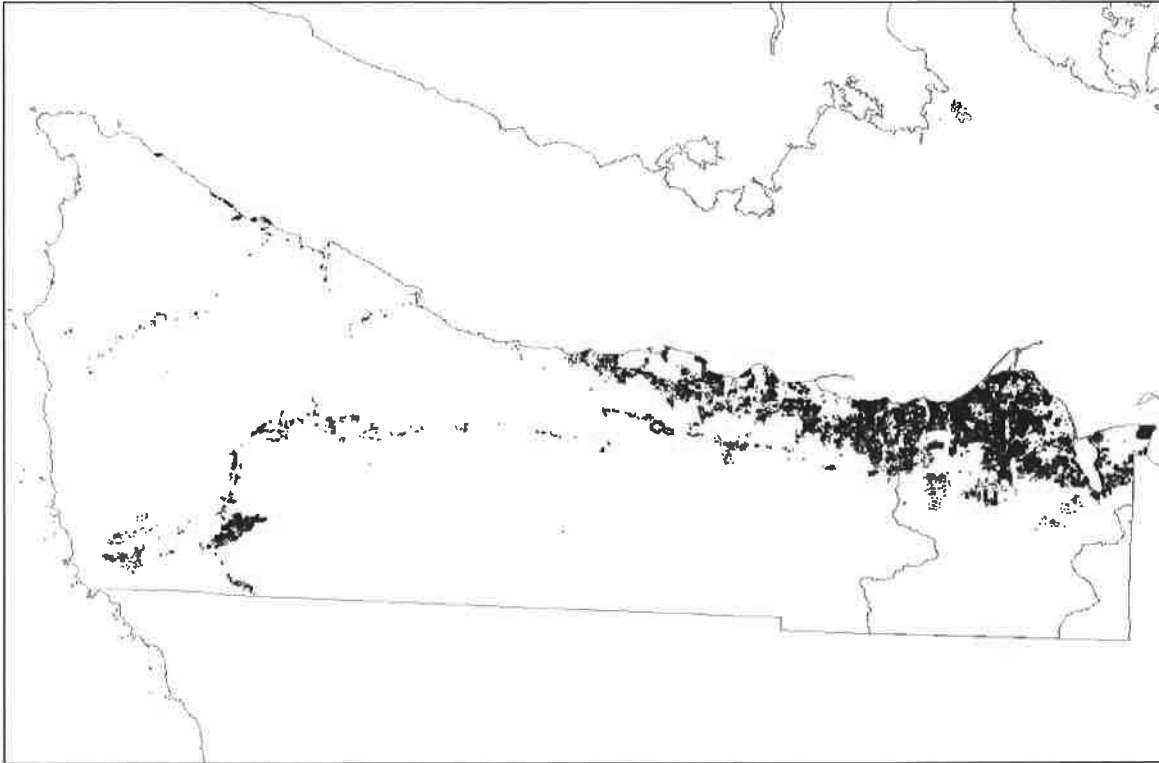
(c) Third day of each violation: \$300;

(d) Fourth day of each violation: \$400;

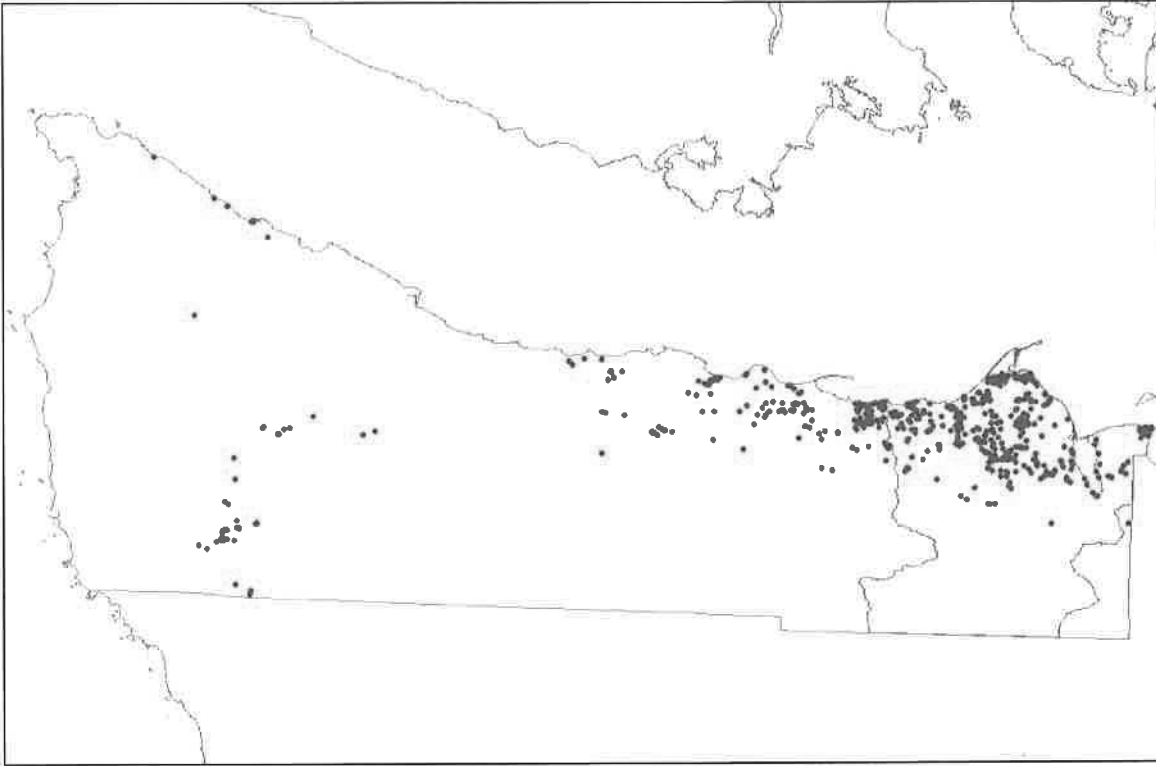
(e) Each subsequent day of violation beyond four days: \$500, not to exceed \$14,000 (CCHR 41.20.270).

One example enforcement case of a failing septic system, reported in March 2017, has finally reached District Court in May 2019 after eight (8) letters to correct including multiple notices of violation, multiple site visits, various meetings involving the Environmental Health and Prosecutor's Offices, and the maximum administrative penalty of \$14,000 unpaid.

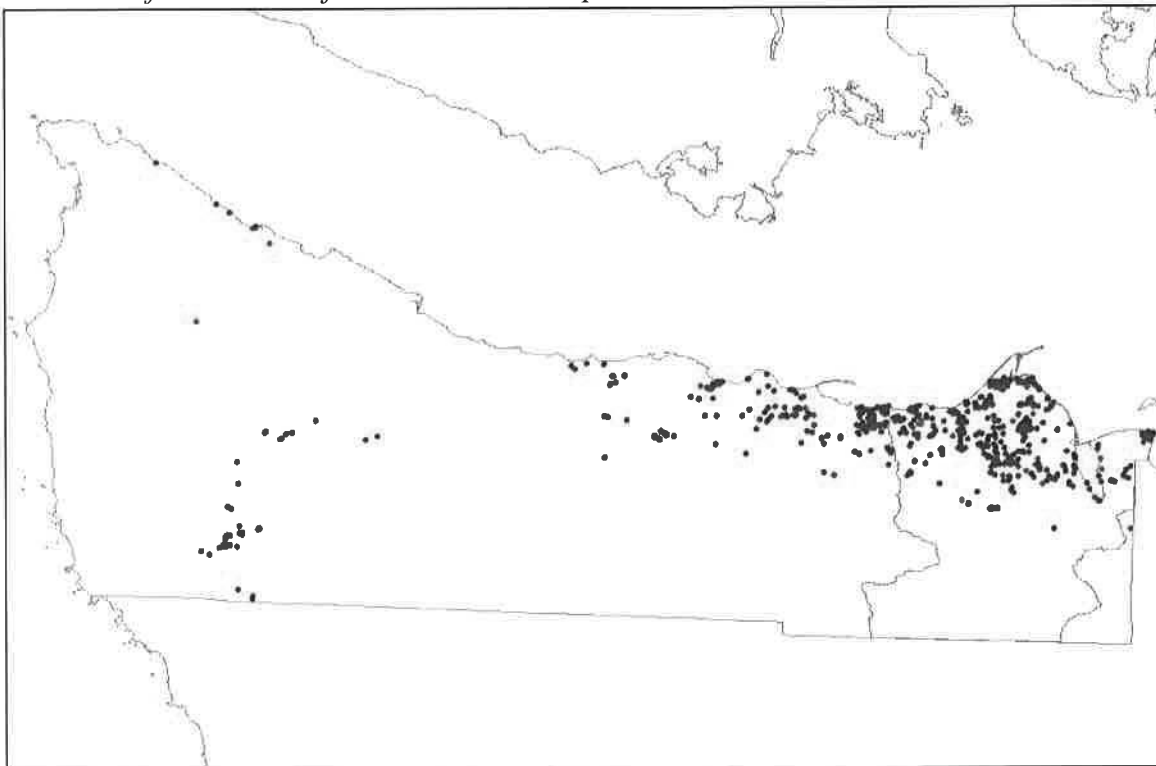
About 20,000 septic systems exist in Clallam County.



About 700 (known) septic systems have failed since adoption of the OSS Management Plan.



About 600 of those known failures have been repaired.



Many septic system failures can be prevented by regular inspections and maintenance. For example, in 2011, Do-it-Yourself Septic Inspection Pilot Program participants (102 households) found:

- Leaking or broken risers – 27 OSS
- Water or scum level high – 11 OSS
- Baffles clogged, missing – 8 OSS
- Tank looked unhealthy – 7 OSS
- Tank needed pumping – 24 OSS
- Outlet filter clogged – 6 OSS
- Pump tank problems – 6 OSS
- Distribution box problems – 7 OSS
- Drainfield problems – 2 OSS

Most, if not all, of these problems were discovered and corrected in time to prevent serious failure. The septic system owners saved themselves the cost of new system design and installation and they avoided polluting or making others sick.

What is the Total Cost of the Program?

Historically, Clallam County has relied nearly entirely on grants to fund septic O&M work. In general, Management Plan activities have only been implemented as allowed by grant funding. An estimate of past grant funding follows, along with an estimate of annual costs for a proposed locally-funded, sustainable program.

History of Grant Funding

The following list is an estimate of grants that have funded portions of Clallam County's OSS Management Plan, and was generated by reviewing past statements of work, contracts, and proposals. It tracks the year in which grant funds were most likely awarded, not necessarily the fiscal year in which funds were budgeted or spent. On average, around \$176,000 in grant funds have been awarded per year over 13 years.

YEAR	GRANT NAME	AMOUNT
2007	Local Capacity Development Funds	\$15,000
	OSS Implementation	\$100,000
	On-Site Management Plan	\$100,000
2008	Local Capacity Development Funds	\$12,500
	MRA Implementation	\$100,000
2009	OSS LMP Implementation	\$100,000
	OSS "Educating the Homeowner"	\$242,025
2011	OSSM	\$90,000
2012	Septics of Concern	\$224,999
	OSS Round 1	\$149,904
2013	OSS Round 3	\$130,431
2014	OSS Round 4	\$90,000
2015	OSS Round 5	\$108,465
	EPA Round 3-4	\$18,629
	OSS LMP Implementation	\$30,000
	OSS LMP Implementation	\$93,000
2016	OSS Round 6	\$137,738
2017	OSS LMP Implementation	\$30,000
	OSS NTA 0251	\$160,000
2018	OSS LMP Implementation	\$60,000
2019	OSS NTA 0152 (anticipated)	\$240,000
	OSS LMP Implementation (anticipated)	\$60,000

Proposed Program Based on Sustainable, Local Funding

Clallam County Environmental Health proposes a more effective program that implements more elements of Clallam County's Onsite Sewage Management Plan, based on the following annual budget.

O&M Program Proposed Annual Budget					
Theme	Item	Line	Cost	Qty.	Total
Outreach/Ed.	Room Rental (classes)	56254.45.0010	\$75	9	\$675
	Event Booth	56254.45.0010	\$300	2	\$600
	Radio Ads (monthly)	56254.41.4410	\$750	12	\$9,000
	Newspaper Ads (monthly)	56254.41.4410	\$750	12	\$9,000
	Direct Mailing	56254.41.0020	\$1,400	2	\$2,800
	Postage	56254.42.0020	\$2,200	2	\$4,400
	Poster/Banner/Printing	56254.49.0030	\$500	1	\$500
	Banner Space	56254.41.0020	\$330	1	\$330
	Incentives	56254.45.0010	\$250	100	\$25,000
	Supplies/Materials	56254.31.0020	\$500	1	\$500
Training	Travel (workgroup)	56254.43.0020	\$500	2	\$1,000
Inter-Departmental	IT Assistance (database, GIS)	56254.41.0020	\$5,000	1	\$5,000
	Treasurer Assistance (billing)	56254.41.0020	\$10,000	1	\$10,000
Other	Water Lab	56252	\$30	20	\$600
	Dye Testing	56254.41.0020	\$2,000	1	\$2,000
	Abatement	Needed	\$2,000	1	\$2,000
Staffing*	GIS Tech. (0.5 FTE)	56254.10.0010	\$26,000	1	\$26,000.00
	Admin. Specialist (1 FTE)	56254.10.0010	\$52,000	1	\$52,000.00
	EH Specialist (1 FTE)	56254.10.0010	\$52,000	1	\$52,000
Benefits	Benefits @ 40%	56254.20.0020	\$52,000	1	\$52,000
Total					\$255,405

* Note: FTE assumes hourly rate of \$25 at 40 hrs. per week and 52 weeks in a year.

The above budget was generated by reviewing costs and example invoices for similar items and services. It takes into account estimated staffing needs, outlined in the table below.

O&M Program Personnel Needs (FTE)			
<i>Primary Roles</i>	GIS/Database Tech.	Admin. Specialist	EH Specialist
Database maintenance and improvements; enter OSS inspections and records; prepare and manipulate data for mapping; QA/QC of database; maintain records online; generate maps as needed; coordinate with IT; verify SOM cases; manage online training and DIY portal; track and report workload indicators for departmental, BOH, County, other needs	0.5		
Coordinate radio and newspaper ads; coordinate direct mailings, postcards, and electronic newsletters; email DIY reminders; manage social media accounts; distribute outreach materials; coordinate booth and banner space rentals; manage and process incentives		0.5	
Plan and coordinate inspection compliance activities; plan and coordinate failure follow-up activities; intake OSS complaints and violations; track timelines and outcomes; keep Permit Plan up to date; dispatch EH Specialist on inspection compliance, failure follow-up, site visit and complaint and violation investigation activities; track program budget and spending		0.5	
Produce content for outreach and advertising effort; teach septic training classes; review management plan and coordinate updates as needed; participate in LMP conference calls; attend O&M Workgroup conferences and other training; refine overall O&M Program and update department policies and procedures			0.25
Investigate complaints and violations; collect water samples, perform dye testing of wastewater systems, and use all available investigative tools; carry out inspection compliance activities; carry out failure follow-up activities; use enforcement protocol including voluntary compliance agreements, NOV, admin. penalties, and Court action as needed; coordinate with Prosecutor's Office; coordinate with Code Compliance			0.5
Audit homeowner and professional inspections; follow-up on unclear or incomplete inspection reports; review DIY inspection reports for accuracy and completeness			0.25
Total FTE	0.5	1	1

Will Sustainable Funding Help us Leverage/Access Grants?

No specific grant funding sources for ongoing, foundational On-Site Septic System Management Program activities currently exist.

National Estuary Program grants occasionally assist programs in need of “enhancement or expansion” and have never been intended as a stable funding source for established programs. NEP funds are also generally directed to specific geographic areas in response to already degraded water quality (e.g. Marine Recovery Area).

Washington State “pass-through” funding helps OSS Management Programs, *when available*, though awards have seemed to decrease somewhat over the years (see “OSS LMP Implementation” amounts in Funding History Table, above).

It is possible that sustainable, local funding could make Clallam County competitive if applying for a Washington Department of Ecology Water Quality Combined Funding Program grant to implement some specific, discrete OSS Management Project designed to improve water quality (for example to improve a particular watershed). Many Combined Funding Program grants tend to fund 75% of project costs and require a 25% match.

Risk of Inaction (What if We do Nothing?)

If Clallam County Environmental Health received no grant funding to perform any OSS Management work and a local funding source were not established, education/outreach and preventive activities stressing inspection compliance would likely cease. Environmental Health staff would likely need to shift effort away from permitting activities to react to complaints such as “sewage on the ground” reports and septic failure follow-up. More septic systems would fail without regular maintenance and more of those failures would continue without correction.

Legal/Practical Considerations

See email from Prosecuting Attorney’s Office included with meeting agenda packet.

Human Health/Well-Being Considerations

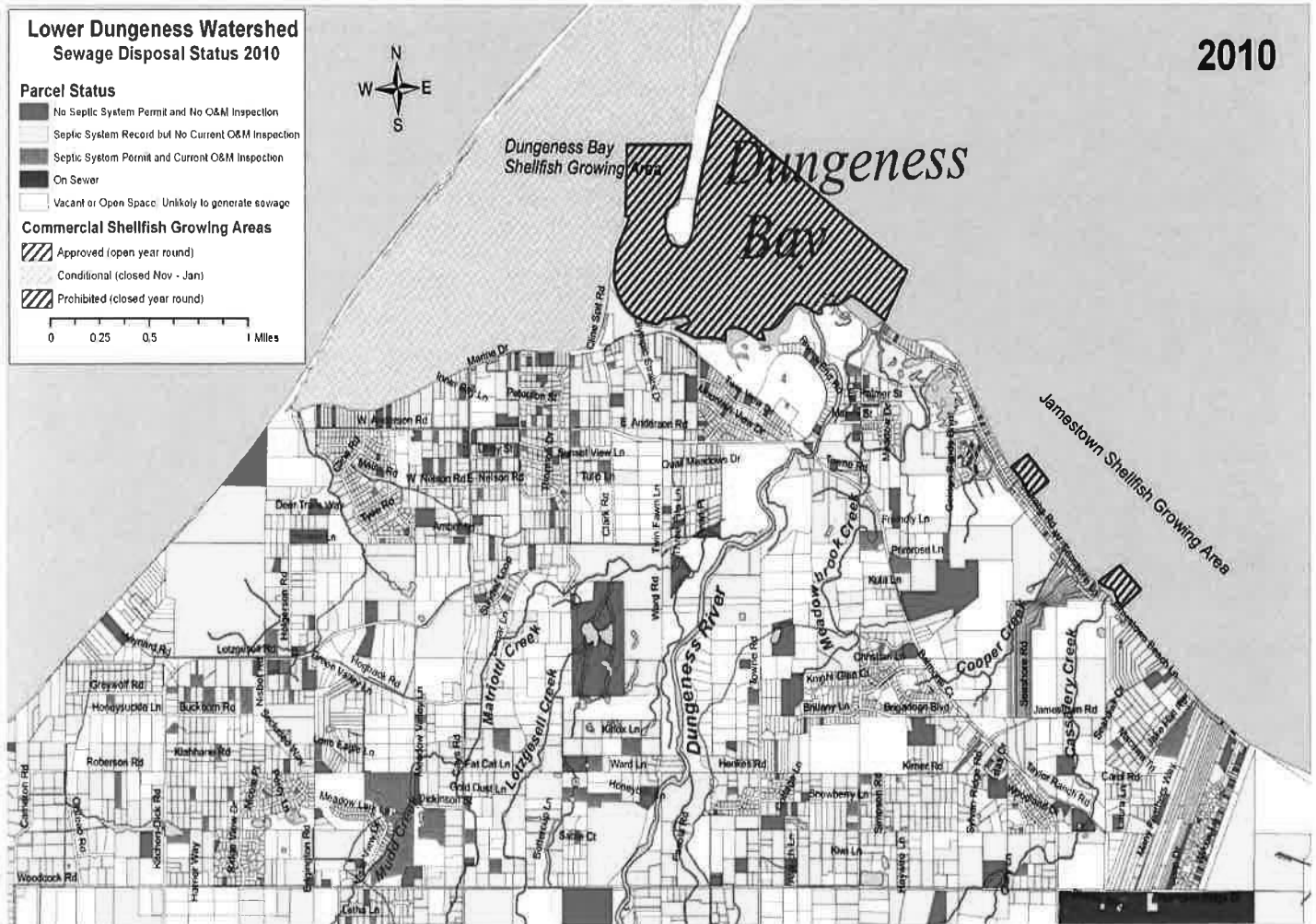
One of the greatest successes in the history of public health has been removing human fecal matter from the water supply. This intervention alone is responsible for more lives saved than any other public health intervention since the founding of our field. Unfortunately, our success has been so great that many in developed countries have forgotten how essential this service is. We know that septic systems which are not regularly inspected and maintained, fail. And when those septic systems fail, they spill human waste into our water supply. If we cease to inspect and repair systems or continue to underfund this service and allow failing systems to continue to spill human sewage into the water supply, we will see the return of water-borne diseases that we are not used to seeing in this country - diseases like campylobacter, E. coli, even cholera. We know this because we’ve seen it happen in other parts of the country when safe sanitation systems were disrupted, usually by disasters. I recommend we take the steps needed to prevent an unnecessary disaster here (Alison Berry Unthank, MD, MPH, Health Officer).

Environmental Impacts

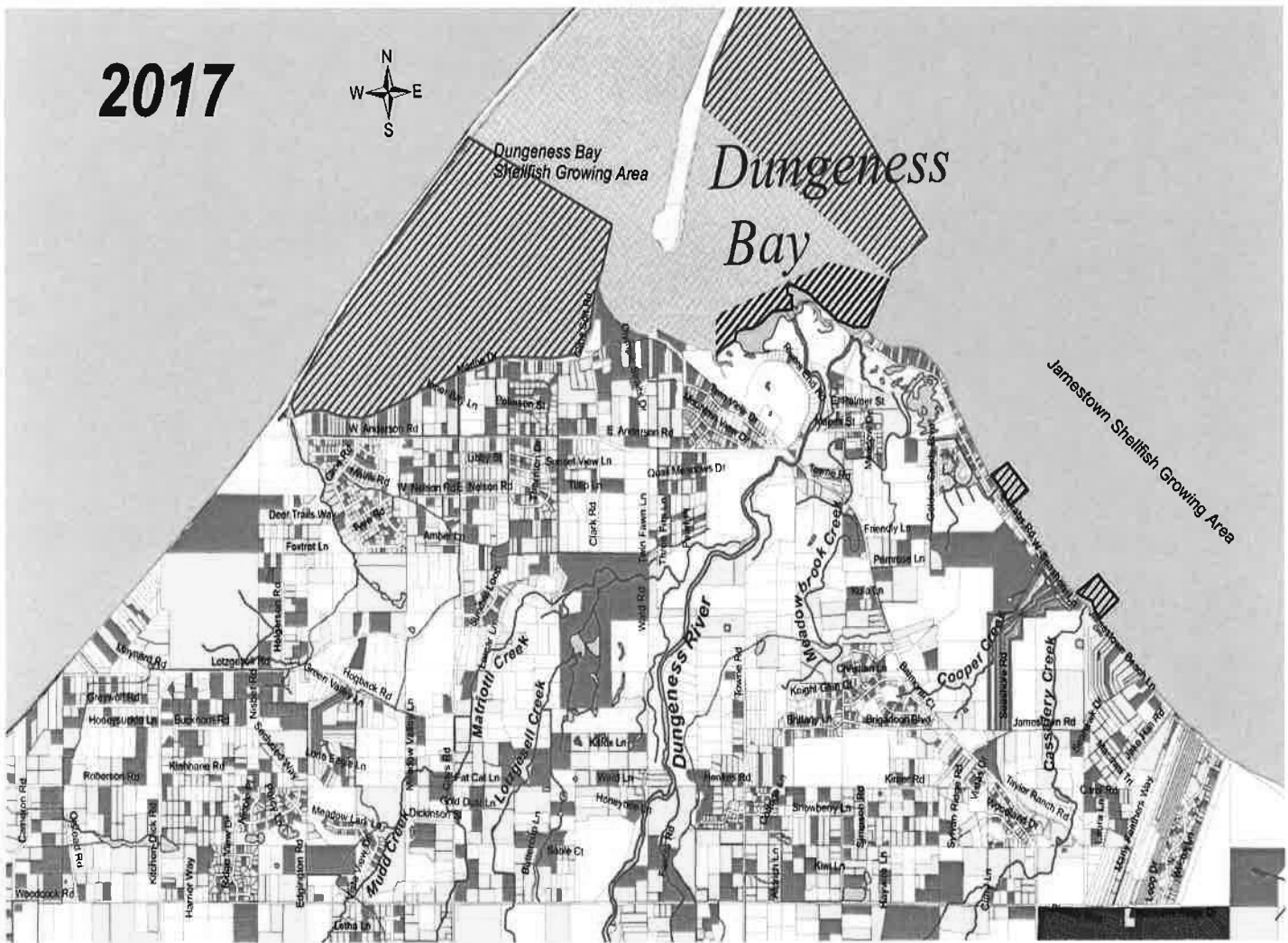
Our best estimation of environmental impacts from lack of OSS management probably comes from looking back at past conditions, prior to OSS Management Plan adoption. In the late 1990s and early 2000s water quality relating to bacteria deteriorated in streams draining to Dungeness Bay and nearby marine waters. Dungeness Bay water quality worsened and commercial and recreational shellfish activities were restricted. The Dungeness River and Matriotti

Creek were placed on Washington State's 303(d) list of impaired waters. Better OSS management, coupled with other, similar efforts, has coincided with improving water quality and increased access to natural resources.

The below image represents Lower Dungeness conditions in 2010, shortly after adoption of Clallam County's OSS Management plan. Much of Dungeness Bay was off-limits for shellfish harvest year round (red portions of Bay) and more shellfish-growing area was closed seasonally (yellow portions of Bay). Very few OSS were current on required inspections (green parcels), many OSS lacked current inspections (yellow parcels), and many "unknown" OSS (red parcels) remained.



By 2017, more property owners in the lower Dungeness had begun to follow through with septic operation and maintenance requirements. Many of the “unknown” systems (red parcels) were located and documented, more OSS were inspected (green parcels), and fewer OSS owners were out of compliance (yellow parcels) with inspection requirements. Water quality in Dungeness Bay also improved and many acres of shellfish growing area were returned to “approved” status (green portion of Bay) while both “prohibited” (red portion of Bay) and seasonally-closed (yellow portion of Bay) acres decreased.



Recommendation

The Clallam County Board of Health (BOH) should adopt an annual rate/charge as described in RCW 70.05.190, to fund implementation of Clallam County’s On-Site Septic System Management Plan, by amending CCHR 41.20.170.

The BOH should also amend the CCEH Fee Schedule (CCHR 41.50) as follows:

- Annual OSS O&M Fee – \$13 – Add (annual increase ~\$260,000)
- OSS O&M Contract Plan Review Fee – \$159 – Eliminate (annual reduction ~\$14,000)
- System Status Report Review Fees – \$46 to \$56 – Specify gov’t action only (annual reduction ~\$30,000)
- (net annual increase ~\$216,000)

Fee shedule changes should take effect in 2021 and CCEH should use current grant funding (~\$300,000 expected to last until 2021) to refine the OSS Management Program and prepare for a transition to stable, local funding.