

Mason County Onsite Sewage Advisory Committee

Meeting Minutes for 12/12/2023

1. **Call to order:** 5:00 pm at Public Works by Keith Fuller
2. **Roll call and determination of Quorum (6 required)**
Present: Constance Ibsen, Vladimir Nekrutenko, Keith Fuller, Paula Johnson, Shane Maples, Wes Graves
3. **Guest Introductions:** Teri King – Citizen, Dave Anderson – MCEH, Cheryl Craig – MCPH, Andrea Tubens – MCEH, Ian Tracy – MCEH, Kell Rowen – Mason County Building & Planning, Molly Paige – WSDOE,
4. **Review & Approval of minutes:** Constance suggested adding page numbers and dates to minutes and Cheryl agreed to try and format them with that included in the future. Ian suggested in the future we vote on them and asked the group if they wanted to receive them ahead of time. Paula motioned to approve both minutes, seconded by Keith.
5. **Public Comment:** Teri asked, did we we have the Oscar meeting? How was it advertised? I ask as I'm wondering where we are with recertification, are people getting those professional credits or is something different going to have to happen? It's important to me people are getting those credits and learning when we move forward and look to rules and regs again. Ian said, so pumpers are, we do not have good coverage when it comes to pumpers, with trucks we do a one time inspection, we inspect one truck and certify one person, and they're a certified individual for the whole company, there is no current training requirement for pumpers. Other counties have a much more rigorous setting. The Oscar training was a packed house, 42 people were there. We are not currently doing any oversight of recertification for now, we are just assuming people are going to WOSSA and renewing automatically. We are not having them provide proof of CEU's. I think then we need to change the rules as that is not what they state, says Teri. It was explained to me in 2016 by Alex and Cindy when I got licensed, if I keep up on my CEU's, I didn't have to turn them in, but if I was audited, I would have to prove I did them every year or my license would be pulled said Wes. We have a 15 hour per year requirement says Paula, you don't have to turn in but all designers subject to audit, and every year they pick a few out of a hat and ask for the proof and certificates. Paula confirmed designers are state licensed. I would say perhaps this feeds into a question about as-builts, perhaps some of the folks who aren't turning them in haven't been getting their hours in – just a thought, says Teri. Constance wanted to add about the Oscar system, are they being used a lot around here? The group said yes. Constance asked about being at the next training to sit in. She was told of online resources, Lowridge is something to look up to find the videos online. I could set up another Oscar training, said Paula – maybe in January. Paula will get in touch with Rhonda about another class.
6. **County Updates:** Kell Rowen – I talked to Ian a couple months ago about speaking in front of the group for designers to think about planning issues, we have our standard setbacks from

property lines and critical areas, administrative variance for reduced setbacks from property lines, we've reduced down to 10 or 5 pretty easily, but it is for the small lots and lots created prior to growth management, i.e. 2002. It came recently where we had a septic design on a lot that was subdivided within last couple years, they needed a reduced setback, and it caused a bit of a problem. We granted the variance to the reduced 5 ft as the design was approved – it was installed, and the property owners were pretty upset the county approved this and then the planning department said no. We did a workaround there, but that's the issue that prompted me to reach out to give a reminder to the designers about this – we want to avoid people spending a lot of money and then at some point getting a sudden halt in the process.

I want to continue outreach & information sharing; our department is always open. We can answer questions regarding setbacks and want to remind all to keep thinking about that. Be cautious and if you're not sure, reach out to us. Paula recommended this to be talked about at the next provider meeting. Raising awareness on that would be good with designers, installers and inspectors. Ian said he would tell Kell when the next provider meeting is expected. It would be nice for any planning issues being seen to be brought up in front of the group. Constance said, is there a cost when there is a need for a variance? Yes, there is a fee, said Ian. The variance fee is nominal, \$115, I think. So, there was just a 5 year extension for designs, is it possible that could happen more if you have a septic design? In that time, lots of things can happen. Ian said when someone is developing a property to talk to a septic designer so they can be shown all placements with correct setbacks and what to expect when developing. This situation happened because nobody caught it, and we don't currently have planners reviewing every single septic design that is done. Constance wanted to confirm, admin variance is not allowed on lots after 2002? This was confirmed.

7. **Membership Updates:** Shane was appointed by the Board of Health 2 weeks ago now to take Thad's position as the installer position, and Thad was put into the new O/M specialist position and Vlad was appointed to the County position. **So now designer, shellfish and 1 citizen remain open, leaving 3 total.** Teri said they are still negotiating in the committee and it's a really bad time of the day for the meeting for the shellfish providers.
8. **Old Business:** Dave updated on mailings & permits. Permits, we have 521 septic permits this year, 632 for last year, and since this meeting. Deficiency O/M mailouts are starting tomorrow, with the goal of 100 a week, and 1,222 total to send out.
9. **Extension Policy w/ Ian** – Went in front of the Board of Health 2 meetings ago and was approved, we've been processing extension applications and giving people 2 years total. The sewage pumping activity is not tracked in RME, Constance brought up, and then during that meeting Teri said there was a consent decree or lawsuit that happened requiring Mason County to track all sewage. I talked to our director and county attorney about it and neither had knowledge of a lawsuit or requirements on us, I sent an email to Teri asking for information about the lawsuit, I have not done further follow-up. Teri confirmed she did get it and found the document and now cannot find it, so I do have case numbers and stuff I can send over, but it is on my list, and I will continue to work on getting that to you. Ian can follow up when he receives

that information. Ian reiterated that WSDOH regulates large OSS. I am just asking that Flohawks fill out an RME report, and send that information through RME says Constance, every 2 years when a permit comes up, they just fill out a small card. Constance thinks if this had to be reported in RME you could see the frequency of pumping, but this is under WSDOH and they have not given any regulatory control or authority to us says Ian, that's exactly what regulatory control is, regulatory control is the only way people can say you must report to such and such. Vlad explained sampling the area the day prior and it came up within operational limits. Wanted to ensure no immediate threat to Hood Canal. Ian recommended to Constance, if you're seeing problems with that system, keep telling DOH, and you can petition the state BOH to do a rule making for large OSS systems. If you make a convincing enough argument, they do open rule makings on things like that. Vlad asked, is that information available via public record requests on large OSS? Ian confirmed that you can request it through WSDOH.

10. As-Built Solutions w/ Ian –

ff Dave Windom's idea is to withhold issuance of permits to designers with overdue as-builts by 60 days or more. If there is a designer with as-builts that have not been submitted over 60 days or more, we'd withhold any new septic permits applied for. The target is definitely on the wrong backs said Paula, its almost always a delay by the installer, including some repeat offenders, we get told oh that's a business practice issue there's nothing we can do. The new email system is helping me catch a lot of these designs being installed simply because we get a notification when you guys enter data. If there was a way for the County to help us, part of a solution is to expand on our current regs for certified providers says Ian, the list is huge says Keith, and not everyone's even on there. The number of new installers has been huge over the past 2 years says Ian, and a lot are out of town guys says Paula, when work gets scarce they are willing to travel. I could start turning in incomplete as-builts and provide that if the installer isn't providing, but I know the fee needs to be paid. Maybe try and figure a way to keep the hammer on the installer says Keith, this list is crazy, are these guys familiar with these rules? Do they know they have to do these things? It's on every permit and we do regular mailings to our certified providers with updates, a solution is to draft amended regulations and propose that to BoH and BoCC and that increases our power when it comes to issues with certified installers and pumpers. One other thing that could help is if Mason County system had the ability to generate a report of what as-builts are outstanding for each designer, I know it has helped collecting the install permit right up front as well with design on repairs, maybe we should start doing it on all jobs. Finance manager says that the reason why it was separated is that we would issue a permit, then the recession happened, no one was applying for more so we had to lay off staff, then we had these installs happening and no money coming in, this is the old stuff and repairs that are having this problem. Craft3 won't pay the second half until there's a signed off as-built. Many mechanisms are helping, but maybe we can identify repeat offenders and address those people specifically. This could be done, but we would need regulations to increase authority on what we can go after. What about when you want your name back on the list, you get a list of your as-builts that are outstanding. Shane asked of the requirements for the installer list, Ian explained – WOSSA install exam, 1 year experience with certified installers, business license as general or specialist contractor, it's very minimal, you pay the fee, have those 3 requirements and you're on the list. Keith said, some way so that the county isn't adding so much more time,

also its partially that the rules are so loose, and education. Vlad said in Thurston, a customer would call getting very poor service from a professional, but the best way a customer can influence an industry is their reviews online, that's the best way you can learn, as a government entity, I cannot tell you who is good and who is bad, they are all on the list, they all met requirements. With these installed systems that aren't finalized, does that make it to RME? asks Keith. Online RME is just a maintenance database, so a construction wouldn't have information input, so without maintenance it wouldn't be in there old as-built's, it's been coming up where something was installed 15 years ago, nothing was turned in, you have to go back and measure etc, the installer moved away, I know in Thurston whenever a house is sold we have to do a drawing of what is on site said Wes, we don't want to have that here right now says Keith, that costs money, \$250 or something near, another thing for the county, but if our RME system works properly we shouldn't have to go through that, we won't get an approved O/M without an approved system.

As far as the as-built question, I can draft proposed language for installers to have an as-built burden on them when they renew, that's one option, are there any other septic regulation changes you want to make? The renewal date is coming says Paula, so maybe we say next year when you renew, there will be these additional req's, plan to perform audits, continuing education credits.

We can make a regulatory change, when you renew, all as-built's need to be satisfied, a code enforcement piece will have to come after that essentially, we already have providers who don't renew and we chase them down through half the year, its an annual fee for recertification. Keith said I think that's the answer then, doing this for 2024, a condition of renewal, you guys should know who is not turning in as-built's, perhaps we can incorporate some kind of financial penalties asked Vlad, the only problem is we don't always know who the installer is sometimes, we don't have a direct relation until the system is in and done, if they apply for final inspect then you would know who it was says Paula, sometimes the designer will know. If they don't apply for a final inspection at all no one knows, though those cases are rare. This is a problem strictly with repairs, or legacy permits from many years ago. If everyone desires, I will draft some proposed language for regulatory change specifically about as-builts, there are other things we can change. I don't know if we want to set up a meeting to discuss this, or if we want to limit to increased requirements for installers, maybe something for pumpers, it will involve more fees and more costs to providers, like an annual inspection requirement.

If you want draft regulations, it is a time investment, there will be more workload on staff with probably not enough funding to increase staff, as-builts and not issuing recerts on as-builts is easier, maybe we can focus on more minor moves we can make without having to change. If we can do some minor tweaks, and build in annual checks and balances, like maybe getting those reports printed for missing as-built's, those little things can really help. I think the county has to have the ability when you see a clear trend of an installer with multiple outstanding as-built's, you have to have the ability to tell them that there's consequences for these actions, Keith said.

I can make a regulatory change to require as-built's prior to cert renewal, it's longer as it's a code change, I'm just asking, do we want to have a session where we look at other code changes at the same time or just stick to that? The OSAC would need to develop a draft regulation that they all approve, then it would go to BoH for review, and then to BoCC, then a public notice would be issued, then a hearing, then BoCC would vote to approve or not. Can you send out a copy of what is currently on the books and then we can come to next meeting with some proposed language changes? Ian agreed.

The group agreed on getting a copy of what is currently on the books, revisiting this topic the next meeting, and seeing if we want to pursue or not.

11. New business:

WAC Changes: Constance read proposed new O/M responsibilities in the WAC; the WAC is now delayed until 2025.

The group agreed that title 6 regulation up for discussion and changes in the next meeting's agenda, which is March 12th, sounds good to move forward.

OSAC President: Do we want to elect a president or just go with Wes for this last meeting of the year? The group agreed to go with Wes. Wes volunteered for 2024 as well.

I nominate Wes for president of OSAC 2024 says Paula, seconded by Vlad. Group agreed.

Good of the Order: MC Onsite Standards w/ Ian: I need thoughts and feedback, we have the MC Onsite standards document, in the drain field reqs – a section has time dosing, elapse meter, event counter, it says it should be required for all systems using a pump and says that systems consisting of a septic tank and gravity drain field shall require metered water. A company argued the language is not clear, I'd like to clarify language. How it's written now is stating all this is required and for pumped gravity systems it requires metered water, the permitting staff have been doing it different ways depending on the person. Metered water, as in its sent x amount of gallons to drain field, when you have a timer counter, you can figure out how much is going – they're saying pumped gravity systems are exempt from that, and they're only required to have metered water. So, you meter the output from the septic to the drain field, but that's for a pump to gravity system says Ian. Everyone think about that, and we can discuss it more at the next meeting and maybe make some language changes to clarify this better. The second issue this company brought up was that they had an issue with a distinction between pump tanks and pump basins. I had a discussion with DoH about this and there is no distinction between the two. A basin is just a small pump tank. So, they said that the minimum size req's we have for pump tanks, 1000-gallon flood capacity, did not apply to pump basins, like a pump to gravity system where you have sewage leaving the house, going to the tank, then pumped via pump basin to drain field. They argued it doesn't apply because a basin is not a pump tank, but according to DoH these are the same, in the new WAC they are clarifying that, they said the only time they'd consider it okay to exempt a pump basin is when it's coming really prior to the main part of a septic system, if it's coming out of the house, to the basin, they may overlook it if it's

outside of the house. This company wanted to use a 180-gallon, said these req's don't apply as a basin is not a tank, while DoH has no separate category between these two. So as far as the group, think about that, we can have some kind of formal decision in the next meeting, to let us know if my staff, or we could allow that until new WAC change comes. Right now, the WAC calls for accumulative volume, it's always better to have extra capacity for the sake of Public Health in case of emergency, power outage etc, but it's better to have a bigger pump tank for many reasons, especially dosing.

Close of meeting: Motion to adjourn by Keith Fuller, seconded by Paula Johnson.

Next meeting: 3/12/24