



Clallam County Department of Health and Human Services

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July 9, 2013

To: Clallam County Board of Health

From: Tom Locke, MD, MPH, Clallam County Health Officer

Re: Dungeness Wastewater Treatment Feasibility Study – Final Action

In 2012 The Clallam County Department of Health and Human Services' Environmental Health Division received grant funding to investigate the feasibility of different wastewater treatment options for the Dungeness area. The Board of Health has heard detailed presentations about the findings of this study and the public reaction to these findings at its May and June meetings. The grant that funded this study does not require formal action by either the Board of Health or the Board of County Commissioners. What is required is a final report summarizing the study's findings, public comment, and any action taken by the Board of Health.

This report was presented to the Board of Health because its subject matter falls directly within the Board's responsibilities under RCW 70/05.060 – Powers and Duties of Local Boards of Health. Given the reality that there is neither funding nor significant public support for construction of a centralized wastewater treatment system in the Dungeness area, efforts to protect and improve water quality must necessarily focus on enforcement of existing mandates to inspect, maintain, and, if necessary, repair the on-site sewage systems (OSS) currently used for wastewater disposal. Efforts to encourage voluntary compliance with existing OSS mandates have been only partially successful – over 3/4th of the OSS in the study area are out of compliance with operation and maintenance regulations. The functional status of these systems is essentially unknown.

Public health codes are preventive by design – we do not wait until foodborne outbreaks occur to inspect restaurants. Likewise, it is unwise to wait until cases of human disease occur before enforcing laws regulating the disposal of infectious human waste. Preventing contamination of food and water by human waste is one of the fundamental duties of public health and, at a local level, this duty falls squarely upon local boards of health and health officers.

Attached to this memo are 5 key issues for the Board of Health's consideration as regards the Dungeness Wastewater Feasibility Study. It is my recommendation that the Board adopt all 5 statements. Local boards of health are given broad authority to "(s)upervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction" (RCW 70.05.060(2)). The most important way this broad responsibility is accomplished is through the board's duty to "(e)nforce through the local health officer ... the public health statutes of the state and rules promulgated by the state board of health and the secretary of health" (RCW 70.05.060(1)). Current State Board of Health rules that regulate on-site sewage systems specifically require that OSS owners maintain their systems through periodic inspections and that marine counties like Clallam County adopt and enforce comprehensive on-site management plans to assure that existing OSS do not pollute marine waters. The attached 5 issue statements are, I believe, the best way for the Clallam County Board of Health to fulfill its statutory duty to prevent communicable disease outbreaks in the Dungeness/Three Crabs area.



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The Clallam County Board of Health has reviewed the Dungeness Wastewater Treatment Feasibility Study and has reached the following conclusions:

1) **The Problem:** Dungeness Bay has a documented history of water quality degradation causing major restrictions of commercial shellfish cultivation and impacting the safety of recreational shellfish consumption. There are multiple potential sources for this water contamination, including failing on-site septic systems (OSS) within the Marine Recovery Area that encompasses the Dungeness/Three Crabs study area.

2) **Wastewater Treatment Options:** Construction of a centralized wastewater treatment system for the Dungeness/Three Crabs area would be expensive and lacks sufficient public support at this time. Public comment regarding the Feasibility Study has focused on the need to enforce existing on-site sewage codes, including operation and maintenance (O & M) requirements, before proceeding with a costly regional sewer project.

3) **Existing Regulations:** For existing OSS to provide the necessary protection to public health, systems must be inspected to assure they are properly functioning and must meet required O & M standards as specified by State and Local on-site sewage codes (effective since 2007) and the Clallam County On-Site Management Plan (adopted in 2009). Failing systems, when identified, must be repaired in accordance with existing public health code requirements.

4) **Public Health Code Enforcement:** Vigorous efforts to assure voluntary compliance with O & M requirements within the Marine Recovery Area have been ongoing since 2009. In addition to these ongoing efforts to inform OSS owners of their legal obligation to have periodic O & M inspections, the Board supports expanded enforcement efforts to include administrative penalties, civil infractions, and the use of administrative search warrants as authorized by RCW 70.118.030.

5) **Funding:** In order for Clallam County to meet its obligations to enforce existing regulations concerning the operation and maintenance of OSS, a dedicated funding source is needed. To meet this need, the Board supports use of its authority under RCW 70.05.060(7) ["Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health: PROVIDED, That such fees for services shall not exceed the actual cost of providing any such services"] to enact a OSS user fee. Environmental Staff are directed to develop a draft user fee proposal for the Board's review.